



Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 10 November 2010 at 7.00 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Carli Harper-Penman Vice-Chair: Councillor Judith Gardiner	
Councillor Peter Golds Councillor Ann Jackson Councillor Mohammed Abdul Mukit MBE Councillor Kosru Uddin 1 Vacant Post	Councillor Tim Archer, (Designated Deputy representing Councillor Peter Golds) Councillor Shafiqul Haque, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul Mukit, MBE and Kosru Uddin) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Peter Golds) Councillor Gloria Thienel, (Designated Deputy representing Councillor Peter Golds)
[Note: The quorum for this body is 3 Members].	

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Amanda Thompson, Democratic Services, Tel: 020 7364 4651, E-mail: amanda.thompson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 10 November 2010

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 13 October.

3 - 8

4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee. **9 - 10**

6. DEFERRED ITEMS

There are no deferred items. **11 - 12**

7. PLANNING APPLICATIONS FOR DECISION

7 .1	Old Ford Methodist Church, 522 Old Ford Road, London, E3 2LY	13 - 30	Bow East;
7 .2	Land between 32-34 Repton Street, Limehouse, London, E14	31 - 50	St Dunstan's & Stepney Green;
7 .3	Cutty Sark House, Undine Road, London	51 - 78	Millwall;
7 .4	Site at 60-61 Squirries Street & 52 Florida Street, London, E2 6AJ	79 - 94	Weavers;
7 .5	Christchurch Primary School, 47A Brick Lane, London, E1 6PU	95 - 108	Spitalfields & Banglatown;

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 13 OCTOBER 2010

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Judith Gardiner (Vice-Chair)
Councillor Shelina Aktar
Councillor Peter Golds
Councillor Ann Jackson
Councillor Mohammed Abdul Mukit MBE
Councillor Kosru Uddin

Other Councillors Present:

Nil

Officers Present:

Bridget Burt	– (Senior Planning Lawyer, Legal Services, Chief Executive's)
Stephen Irvine	– (Development Control Manager, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Nasser Farooq	– (Planning Officer Development and Renewal)
Sarah Hill	– Planning Intern
Alan Ingram	– (Democratic Services)

Councillor Judith Gardiner (Vice-Chair) indicated that she would be acting as Chair in the absence of Councillor Harper-Penman.

COUNCILLOR JUDITH GARDINER (VICE-CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Carli Harper-Penman (Chair).

2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:

Councillor	Item(s)	Type of interest	Reason
Judith Gardiner	7.1	Personal	Had received correspondence from local residents.
Mohammed Abdul Mukit	7.1	Personal	Ward Councillor and had received correspondence from local residents and attended a site visit.
Peter Golds	7.1	Personal	Had received correspondence from local residents and had visited the site previously.
Shelina Aktar	7.1	Personal	Had received correspondence from local residents.
Ann Jackson	7.1	Personal	Had received correspondence from local residents.
Kosru Uddin	7.1	Personal	Had received correspondence from local residents.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 14 September 2010 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and

- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak at the meeting.

6. DEFERRED ITEMS

There were no deferred items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Rochelle School, Arnold Circus, London, E2 7ES

The Chair invited statements from persons who had previously registered to address the Committee.

Ms Jenefa Khanom, a local resident, spoke in objection to the application and stated that her family home was separated from the Rochelle Canteen premises by a 30 cm wall and suffered immediate impact from the complex. Members of her family were aggrieved and inconvenienced due to noise, litter, drunken behaviour and foul smells emanating from the premises. There was also disturbance late at night. The site was being used increasingly for media events and public hire, which was against the previous planning approval. She felt that this was likely to increase if the current application was granted. A petition raised by her and her brother had attracted over 250 signatures from local residents who opposed the application and this should be taken into account.

Mr Rath Ashley read a statement in objection to the application on behalf of Mr Rob Allen, a local resident. Mr Allen was a shift worker and his property was overlooked at all hours of the day. He was kept awake by noise from the Canteen and had complained about this to the staff and manager. The current loading/unloading hours were unreasonable in a crowded residential area and affected the amenity of local people. Many people attended events in the Canteen garden area and large tents had been erected on various occasions. The premises had no alcohol licence but he had observed alcohol being served. This was the fourth year that such an application had been made and on previous occasions the applications had been withdrawn or refused. He saw no reason why the position had altered enough to justify the current

proposal. He added that the Canteen was not restricted to Rochelle Centre employees and it was obvious that the agreed management plan had failed. There had been 89 letters of objection, all from local residents and only 9 letters in support had been received from local people. The Rochelle Canteen site was no place for a public restaurant and the application should not be approved.

Mr Luke Gotelier, speaking in support, stated that he had lived on the Boundary Estate for five years. He participated in several local committees and was Building Manager at the Rochelle School. His son's bedroom was 18m from the site and was the quietest room in his house. His family had never been kept awake by noise from the Canteen but he had noted anti-social behaviour on Arnold Circus, which ought to be addressed. If the Canteen were to close, this would result in Tower Hamlets residents losing work. The centre also provided work placements for teenagers and local people. The Canteen was used by local people on a daily basis and put back money into Boundary Estate, helping to keep the laundry open. He added that the complex provided gardening space for local people and extra maths lessons at weekends for Bengali youths. A petition in support of the application had been signed by 169 people in the last two days. In addition, there was no glass recycling after 4 p.m. and there was no alcohol licence, so none was sold on the premises.

Mr Marcus Mustafa, a local resident, spoke in support of the application, stating that he had three children in his family on the Boundary Estate. He had been impressed by the facilities provided by the school, especially by the land made available for the Wonder Garden and extra maths tuition. He sympathised with some of the points made by local people but the school was trying to be a good neighbour. He had never observed drunken behaviour from people either going into or out of the centre and problems with urination etc. could well be caused by people walking through the estate from bars in other areas. The school was possibly not transparent enough about its activities and this might lead to misunderstandings. However, the Neighbourhood Forum was a new tool to involve residents in the running of the estate and was the best opportunity to understand the respective needs of the school and local people.

Mr Nasser Farooq, Planning Officer, made a detailed presentation of the application as contained in the previously circulated report, regarding the continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off-site catering operation. He added that an update report tabled at the meeting outlined additional objections received, together with the applicant's response to issues raised. He spoke further to address the matters of overlooking; hours of operation; intensification of use; traffic generation; residential nature; conservation area issues and enforcement, as also contained in the circulated report. He pointed out that the Environmental Health Team had received no complaints about the Canteen since 2006. There was to be no intensification of use and no change to outside use.

In addressing objectors' concerns, Mr Farooq indicated that existing distances from the premises would not change and the Canteen facility was an established use that would not change whether the application was granted or not. No windows directly faced the Old Laundry building and the application was not for late night use.

The Chair invited questions from Members on the information submitted and questions were raised relating to:

- Clarification on possible overlooking arising from the Old Laundry and clients using the Canteen's outside facilities.
- The need to ensure the Committee's view to be taken forward that the premises would not be suitable for licensing for serving alcohol, in the event that a licensing application should be made. The Committee felt that a licence would not be appropriate to preserve the amenity of local residents. Members asked that the strong concerns of the Committee across the board be recorded should any licensing application be made.
- The inference that the need to regularise practices indicated that the previous management plan had not been adhered to and how it could be assured that the terms of the new plan would be observed.
- The implication that alcohol had been seen or served on the premises and controls available to prevent this.

Officers addressed the points raised and made points that:

- People inside the complex could not see into residents' homes but there were concerns that clients using the Canteen's outside facilities could do so.
- The Committee's concerns regarding any alcohol licensing application would be taken into consideration should an application be made.
- Enforcement action could be taken against any late night use of the premises and any breach of conditions, including the matter of sale of alcohol, could be subject to prosecution.
- Further conditions could be applied in the event that the planning application was approved.

Members made the point that residents had consistently and over a period of years raised concerns about the impact of the Canteen on the community. The view was expressed that such concerns had not been alleviated by responses relating to enforcement action that could be taken and it was difficult to be confident that even new additional conditions would be adhered to or better enforced. Members asked how much weight should be given to the concerns and frustrations voiced by residents. (During discussion of this point the Chair repeatedly informed the public present that no further input could be made by them while the Committee was in session.)

Mr Stephen Irvine, Development Control Manager, read out the appropriate Government guidelines to the Committee from the Costs Circular 03/09 (paragraphs B20 and B21) and summarised that the planning authority had to take local opposition to an application into account but that the extent of the

opposition in itself was not a valid reason to refuse an application. There would need to be valid planning reasons and evidence to do so.

The Chair also indicated that, whilst the source of anti-social behaviour around the estate needed to be identified and addressed, this was not within the Development Committee's remit. She then indicated that the application would be put to the vote.

Mr Farooq summarised the report recommendation and conditions, commenting that the Committee's views on alcohol licensing would be made known should any licensing application be made.

On a vote of 2 for and 4 against, the Committee **RESOLVED**

That the Officer recommendation to grant planning permission for continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off-site catering operation be **REFUSED** for the following reasons:-

- (1) The proposed use would result in an unacceptable degree of overlooking and loss of privacy to the detriment of the amenity of occupiers of adjacent residential properties, contrary to saved policies DEV2 and HSG15 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007) which seek to preserve residential amenity.
- (2) The cumulative impact of the noise, disturbance and related activities that would result from these premises would be harmful to the living conditions of adjacent residents and would therefore be contrary to saved policies DEV2, DEV50 and HSG15 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007) which seek to preserve residential amenity.
- (3) It is considered that the proposal, by reason of its commercial use in a predominantly residential area, would adversely affect the character of the Boundary Estate Conservation Area. As such, the proposal is contrary to Council Policy CON2 of the Interim Planning Guidance (2007) which seeks to ensure new uses are not detrimental to the character, fabric or appearance of conservation areas and their settings.
- (4) The proposal is considered likely to result in additional anti-social behaviour in the area of the Boundary Estate.

The meeting ended at 8.05 p.m.

Vice-Chair, Councillor Judith Gardiner
Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Development	Date: 10 November 2010	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal Originating Officer:		Title: Deferred items Ref No: See reports attached for each item Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan	✓	Eileen McGrath (020) 7364 5321

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Agenda Item 7.1

Committee: Development	Date: 10th November 2010	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Mary O'Shaughnessy	Ref No: PA/10/01211
	Ward: Bow East

1. APPLICATION DETAILS

Location:	Old Ford Methodist Church, 522 Old Ford Road, London, E3 2LY
Existing Use:	
Proposal:	Demolition of existing building and redevelopment of site to provide 8 flats, 1 house, community areas and an office suite.
Drawing Nos/Documents:	Drawings: 0327.100 REVB, 0327.101 REVB, 0327.102, 0327.103, 0327.104, 0327.105 REVA, 0327.106 REVA, 0327.107 REVA, 0327.108, 0327.201 REVA, 0327.202 REVE, 0327.203 REVW, 0327.204 REVAA, 0327.205 REVZ, 0327.206 REVX, 0327.207 REVV, 0327.208 REVK, 0327.210 REVH, 0327.211 REVG, 0327.212 REVG, 0327.213 REVH, 0327.214 REVD, 0327.215 REVA, 0327.216 REVA, 0327.217 REVA, 0327.218 REVA, 0327.219 REVA, 0327.220 REVA, 0327.221 REVA, 0327.222 and 9832/T/01-01 Documents: Design Statement, REV B, prepared by Rogers Partnership. Impact Statement, REVB, prepared by Rogers Partnership, and; Appendices REV B. Energy Report, prepared by Ecowise, 6 th August 2010.
Applicant:	Gateway Housing Association
Ownership:	Gateway Housing Association, Old Ford Housing Association and LBTH Highways.
Historic Building:	Not applicable
Conservation Area:	Not applicable

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy, September 2010, (CS), London Borough of Tower Hamlets Unitary Development Plan 1998 (as saved September 2007), (UDP), and the Council's Interim Planning Guidance for the purposes of Development Control (2007) (IPG), associated supplementary planning guidance, the

London Plan 2008 (Consolidated with Alterations since 2004) (LP) and Government Planning Policy Guidance and has found that:

- 2.2 The proposed part 2 part 4 storey mixed use development is considered appropriate in terms of design, bulk, scale, and massing. The height of the building is justified in this location given, this is a corner site and given the variety of building heights in the area. This is in accordance with strategic policy SP10 of the Core Strategy adopted September 2010, saved policy DEV1 of the adopted Unitary Development Plan 1998 (as saved September 2007), and policy DEV2 of the Interim Planning Guidance for the purposes of Development Control (2007). These policies seek to ensure appropriate design within the Borough which respects local context.
- 2.3 The proposal is considered appropriate in relation to the residential amenity of the site in terms of daylighting and sunlighting, sense of enclosure, outlook, overlooking and privacy. This is in line with strategic policy SP10 of the Core Strategy adopted September 2010, saved policy DEV2 of the adopted Unitary Development Plan 1998 (as saved September 2007), and DEV1 of the Interim Planning Guidance for the purposes of Development Control (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.4 In reference to transport matters, including provision of cycle parking, access, servicing and the creation of a car free development, the proposal is considered acceptable and in accordance with policies 3C.1, 3C.2, 3C.3 and 3C.23 of the London Plan 2008 (Consolidated with Alterations since 2004), strategic policy SP09 of the Core Strategy adopted September 2010, policies DEV1, T16, T19 of the adopted Unitary Development Plan 1998 (as saved September 2007),, policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance for the purposes of Development Control (2007). These policies seek to ensure developments can be supported within the existing transport infrastructure.
- 2.5 The proposal provides an increase in the supply of specialist housing accommodation for vulnerable groups in the borough of which there is a known need. As such, the proposal is in accordance with strategic policy SP02 of the Core Strategy adopted September 2010, saved policy HSG7 of the adopted Unitary Development Plan (1998) (as saved September 2007), and policy HSG2 of the Interim Planning Guidance for the purposes of Development Control (2007), which seek to encourage new housing and ensure that new developments offer a range of housing choice.
- 2.6 In this instance the net loss of 169 square meters of D1 floor space is considered acceptable, given the continued provision of a community centre on the site, the improvements to the community facilities and the benefits of providing a 100% affordable housing scheme at the upper levels. This is in line with policies 3A.13 and 3A.18 of the London Plan 2008,(Consolidated with Alterations since 2004) strategic policy SP03 of the adopted Core Strategy September 2010, saved policy SCF2 of the adopted Unitary Development Plan 1998 (as saved September 2007), and policy SCF1 of the Interim Planning Guidance for the purposes of Development Control (2007). These policies seek to protect existing social infrastructure and community facilities.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
 - A. The prior completion of a **legal agreement** to secure the following planning obligations:
 - a) Affordable Housing (7 x 1 bedroom units and 1 x 3 bedroom units)

- b) 100% Car Free Development
 - c) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.2 That the Corporate Director Development & Renewal is granted delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is granted delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1 Full planning permission – 3 year time limit
- 2 Drawings – to be built in accordance with the approved drawings
- 3 Approval of samples/details/particulars prior to commencement of works
 - All facing materials
 - Detailed sections of roof storey, clock tower and overhang
- 4 Hours of operation of Community Use (D1):-
 - 08.00 to 21:00 Monday – Friday, and;
 - 09.00 to 21.00 on Saturdays and Sunday.
- 5 Details of cycle parking to be provided prior to occupation and it will be secured in perpetuity.
- 6 Energy report to be provided prior to commencement of works and complied with.
- 7 Code for Sustainable Homes details to be provided prior to commencement of works and secured in perpetuity.
- 8 Retention of obscure glazing and screening to outdoor terraces and window in communal hallway in perpetuity.
- 9 Archaeology Report prior to commencement of works
- 10 Hours of Construction 8-5 Monday to Friday and 9-1 Saturday and no work on Sunday or public holidays
- 11 Refuse secured in perpetuity
- 12 Management Plan - details to be submitted prior to the occupation of the building
- 13 *Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal*

Informatives

- 1 Associated S106 agreement

2 Guidance on cycle parking design

3 *Any other planning informatives(s) considered necessary by the Corporate Director Development & Renewal*

3.4 That, if by 22nd December 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is granted delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The proposal is for the demolition of the existing building on site and the erection of a building rising from two to four storeys comprising nine residential units and a community centre including associated office suite.

4.2 The eight, one bedroom units would be for Radicle Organisation. Radicle is a registered charity providing practical and emotional support services for isolated and vulnerable people including accommodation for single mothers. They are one of the few London providers specialising in this type of housing.

4.3 The proposed building would be two storeys to Pulteney Close rising to four storeys along Armagh Road and Old Ford Road.

Site and Surroundings

4.4 The application site is located at the junction of Armagh Road and Old Ford Road. The site is 'L' shaped and the existing buildings wrap around 510-520 Old Ford Road.

4.5 Fronting Old Ford Road is a two storey building with a pitched roof which is set forward from the adjacent buildings to the west. To the rear is a two storey building with a flat roof which extends behind the 510-520 Old Ford Road and is smaller in bulk and scale.

4.6 These buildings date from the 1950s and are not designated heritage assets (i.e. they are neither listed nor located within a conservation area.) It is noted that the site is located within an archaeological priority zone.

4.7 The area around the site is varied in respect of building heights and styles. Building heights vary from two to four storeys.

4.8 Directly to the west of the site is a row of six terraced houses which are two storeys in height with a pitched roof. To the south-west of the site is a four storey block of flats which form part of the Ranwell Estate. To the east of the site on the opposite side of Armagh road is a row of three storey residential properties. To the north of the site, on the opposite side of Old Ford Road, is a four storey property known as Moorhen House.

Planning History

4.9 The following planning decisions are relevant to the application:

Application Site:

4.10 PF/08/00067 In 2008 the Council provided pre-application advice to the applicant in

respect of design, bulk scale and use of the building. The proposal was for the creation of 12 flats and a community centre.

- 4.11 PA/09/01453 *“Demolition of existing building and erection of a four storey building to provide 11 flats, community areas and office suite.”*

The application was withdrawn by the applicant on 1st October 2009 following the advice of officers when it became evidence that the incorrect ownership certificates had been completed.

- 4.12 PA/09/02151 *“Demolition of existing building and erection of a four storey building to provide 10 flats, community areas and office suite.”*

The application was withdrawn by the applicant on 7th January 2010 following the advice of officers. Officers raised concern about the overall, bulk, scale and design of the building and the impact this would have on adjacent occupiers. It was considered that these matters needed to be addressed further.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

Government Planning Policy Guidance/Statements

PPS5 Planning and the Historic Environment

Spatial Development Strategy for Greater London (London Plan)

Policy No.	Title
3A.13	Specialist needs and specialist housing
3A.17	Addressing the needs of London’s diverse population
3A.18	Protection and enhancement of social infrastructure and community facilities
3C.1	Integrating transport and development
3C.2	Sustainable transport in London
3C.3	Sustainable transport in London
3C.23	Parking Strategy
4A.1	Tackling climate change
4A.3	Sustainable design and construction
4A.4	Energy assessment
4A.7	Renewable Energy

Core Strategy (Adopted September 2010)

Strategic Policies:	Policy No	Title
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP05	Dealing with waste
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking and Bow Vision Statement
	SP13	Planning Obligations

Unitary Development Plan 1998 (as saved September 2007)

Policy No	Title
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV43	Protection of Archaeological Heritage
DEV44	Preservation of Archaeological Remains
DEV45	Development in Areas of Archaeological Interest
DEV50	Noise
DEV55	Development with Waste Disposal
DEV56	Waste Recycling
HSG7	Dwelling Mix and Type
HSG13	Standard of Converted Dwellings
HSG14	Special Needs Accommodation
HSG15	Preservation of Residential Character
HSG16	Housing Amenity Space
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
SCF2	Criteria for Residential and Day Care Facilities

Interim Planning Guidance for the purposes of Development Control (2007)

Policies:	Policy No	Title
	DEV1	Amenity
	DEV2	Character and Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV10	Disturbance from Noise Pollution
	DEV15	Waste Recyclables and Storage
	DEV16	Walking and Cycling Routes
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-use Schemes
	HSG7	Housing Amenity Space
	HSG9	Accessible and adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	SCF1	Social and Community Facilities
	CON4	Archaeology and Ancient Monuments

Supplementary Planning Guidance/Documents

SPG: Residential Space Standards

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

LBTH Cleansing

- 6.3 The refuse and recycling provision is adequate.

LBTH Environmental Health – Daylight and Sunlight

- 6.4 The submitted Daylight and Sunlight Report prepared by Devla Patman Associates, dated July 2009 has been reviewed and it is considered that it would be acceptable to grant planning permission for the proposed development.

LBTH Highways

- 6.5 The proposed scheme involves the upper floors extending out and overhanging the surrounding pavements. Highways do not support this and raise objections as a result. Any part of a building which overhangs the public highway will require technical approval and a projection licence and Highways do not wish to issue these approvals.
- 6.6 [**Officer Comment:** *The applicant will be advised of the need to apply to the Highways Department for a projection licence for any part of the building which overhangs the highway. However this is a licensing issue that could not justify the refusal of the scheme on planning grounds.*]
- 6.7 The Applicant has indicated that the proposed development is to be car/permit free and this is welcomed by the Highway Department.
- 6.8 [**Officer Comment:** *This will be secured via a Section 106 Agreement.*]
- 6.9 Clarification is required as to the location of the cycle parking and the proposed Kendall bicycle racks are not supported by the Highways Department. As such, cycle parking should be provided in accordance with LBTH policy.
- 6.10 [**Officer Comment:** *It is recommended that this matter be controlled via condition An informative will be added setting out the preferred style of cycle racks.*]

LBTH English Heritage – Archaeology (Statutory Consultee)

- 6.11 To date no comments have been received.

7. LOCAL REPRESENTATION

- 7.1 A total of 171 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 4 Objecting: 4 Supporting: 0
No of petitions received: 1 objecting containing 104 signatories

- 7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- 7.3 Objection to the use of the property for a community centre and hostel for vulnerable young mothers.

- 7.4 [**Officer Comment:** *This matter is discussed under the Land Use Section of this report at paragraphs 8.2-8.13.*]
- 7.5 Height of the proposed property. It should be no more than two storeys.
- 7.6 [**Officer Comment:** *This matter is discussed under the Design Section of this report at paragraphs 8.26-8.35.*]
- 7.7
- There are currently problems with noise and disturbance from the existing Church use and this will worsen with the proposed development. There are concerns that the proposed residents will play loud music.
 - The proposed development will impact on light, privacy and the enjoyment of their properties.
 - Increase in anti-social behaviour because the property will be occupied by young girls with babies.
- 7.8 [**Officer Comment:** *This matter is discussed under the Amenity Section of this report at paragraphs 8.36-8.52.*]
- 7.9 There are currently problems with parking when the existing Church is in use. Patrons of the Church use private residential parking bays. There is concern that this problem will worsen because of the proposed mixed use scheme with community use and residential accommodation.
- 7.10 [**Officer Comment:** *This matter is discussed under the Highways Section of this report at paragraphs 8.53-8.58.*]

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Housing
3. Design
4. Amenity
5. Highways
6. Other

Land Use

- 8.2 The proposal is for the retention of the existing community use at ground floor level and the creation of nine residential properties at the upper floors comprising 8 x 1 bedroom units and 1 x 3 bedroom unit.
- 8.3 Policies 3A.13 and 3A.18 of the LP seek to ensure that boroughs protect existing social infrastructure and community facilities and provide special needs housing in appropriate locations.
- 8.4 Part 7 (c), of strategic policy SP02 of the CS and saved policy HSG14 of the UDP support the provision of specialist housing for vulnerable groups including vulnerable women and children.
- 8.5 Part 5 of strategic policy SP03 of the CS, seeks to provide high quality social and community

facilities in the borough by maximising opportunities to deliver new facilities as part of new developments and locating such facilities in accessible locations. Saved policy SCF2 of the UDP and policy SCF1 of the Interim Planning Guidance 2007 (IPG) set out the criteria for the assessment of new social and community facilities. Consideration needs to be given to the likely catchment area of the facility, the accessibility of the site, the needs of the area and the quality of the proposal.

Housing

- 8.6 The proposal is for the creation of nine residential units comprising 8 x 1 bedroom units and 1 x 3 bedroom unit. Eight of the units would be for the use of Radicle Housing which provides accommodation for young homeless vulnerable mothers or mothers-to-be. There would be support staff on the premises Monday – Friday from 09:30 – 17.30 with an ‘on call’ service at weekends for residents.
- 8.7 Radicle already operates five similar schemes to help young pregnant women or mothers across London. There is one facility currently within the borough known as the Whitechapel Family Centre, 38 Newark Street, and they provide supported housing for young pregnant women or mothers. Given the constraints of the current building, the LBTH supported housing service has requested the relocation of the service. It is proposed to relocate the family centre to the application site. The Whitechapel Family Centre is currently full which demonstrates that there is a demand for the existing facility which would be re-provided as part of this development. The Radicle Centre has advised that they have had no complaints from neighbours in respect of amenity issues or anti-social behaviour issues at the existing facility.
- 8.8 The Tower Hamlets Homelessness Strategy 2008-2013 sets out the Council’s aims in respect of tackling homelessness within the borough. Section two deals specifically with children, young people and families and it notes that young people leaving home feature disproportionately highly amongst homelessness presentations. In respect of specialist housing it states that “*overall capacity is much smaller than some comparable boroughs.*”
- 8.9 It is considered that the provision of eight residential units which meets the needs of vulnerable women within the borough is in line with the above policies and the aspirations of the Tower Hamlets Homelessness Strategy 2008 -2013.

Community Use

- 8.10 The existing use of the buildings on the site is as a church and community hall (Use Class D1 with ancillary offices (Use Class B1) associated with the D1 use at first floor level. The gross internal floor area is 619 square metres of which 438 square metres is used as D1 floor space and 181 square metres B1 floor space.
- 8.11 The proposal would result in re-provision of 269 square metres of D1 floor space in the form of a community centre and church at basement and ground floor level. This equates to a net loss of 169 square metres of D1 floor space. The proposal would result in the re-provision of 71 square metres of B1 floor space, which equates to a loss of 98 square metres.
- 8.12 Overall the proposal would result in a net loss of D1 and B1 floor space. Council policies seek to protect existing community facilities within the borough. However, given the proposal would result in a new development which seeks to re-provide high quality usable community facility and affordable housing, it is considered that the merits of the overall scheme would outweigh the loss of some D1 and B1 floor space.
- 8.13 Residents have raised concerns about the impact of the existing use in terms of noise,

parking and anti-social behaviour. The use of the site for a church and community centre is the established planning use of the site. This proposal is not for the change of use to a community centre given the use is existing. It is not considered that this application would result in an intensification of the use given it would result in an overall reduction of floor area for the D1 use. Therefore, any existing impacts should be reduced further. The parking and amenity impacts will be discussed within the relevant sections of this report.

Housing

- 8.14 The proposal is for the creation of nine residential units comprising 8 x 1 bedroom units and 1 x 3 bedroom unit.
- 8.15 The proposed one bedroom units would be for the use of Radicle Organisation which provides accommodation for single mothers with new born babies or mothers to be.
- 8.16 The principle of residential accommodation in this location is considered acceptable; given this is the predominant land use in the area. The family unit would have separate access from Pulteney Close which is welcome. Access to the flats would be from Armagh Road and a separate entrance to the community use has also been provided.
- 8.17 Local residents have raised concerns about the potential for anti-social behaviour, noise, and parking stress because of the proposed users of the residential accommodation.
- 8.18 Officers do not consider that there is direct evidence to substantiate the claims that the proposed users, because the proposed occupants are young mothers, would result in an increased level of anti-social behaviour. Officers have checked with the Community Safety Officer if there have been any anti-social behaviour problems associated with the existing centre at Newark Street. They confirmed that they had no reports of anti-social behaviour linked to the family centre. It is also noted that noise disturbance is a matter which can be dealt with by Environmental Health legislation. Finally, Radcile who operate the Whitechapel Family Centre advised that they had not had complaints from residents. Parking stress will be discussed within the Highways section of this report.

Housing Mix

- 8.19 Part 5 of strategic policy SP02 of the CS and saved policy HSG7 of the UDP requires development to provide a mix of housing sizes on all sites and seeks to provide specialist housing. Saved policy HSG7 of the UDP requires new developments to provide a mix of unit sizes including a substantial proportion of family housing.
- 8.20 The proposal would result in the creation of 8 x 1 bedroom units and 1 x 3 bedroom unit. It is noted that this would not result in a balanced mix of housing types. However, in the assessment of this application, consideration has been given to the need for the provision of one bedroom units for single mothers and the fact that the proposal would be 100% affordable. On balance, officers consider that the merits of the scheme as a whole outweigh the imbalance within the housing mix in this instance.

Residential Space Standards

- 8.21 The SPG Residential Space Standards (1998) and saved policy HSG13 of the adopted UDP set out the minimum space standards for all new housing. All of the units comply with the residential space standards.

Affordable Housing

- 8.22 Part 3 of strategic policy SP02 of the CS requires 35% - 50% affordable homes on sites providing 10 new residential units. This proposal is for the provision of 9 units which is not required to provide affordable housing. However, this is a development by Gateway Housing and they are proposing to provide nine socially rented units. This will be secured by a section 106 agreement.

Amenity Space Provision

- 8.23 Part 6 (d) of strategic policy SP02 of the CS, saved policy HSG16 of the UDP and policy HSG7 of the IPG provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of new housing schemes. CS, UDP and IPG policies reinforce the need to provide high quality and usable private external space fit for its intended user and the provision is an important part of delivering sustainable development and improving the amenity and liveability for the Borough's residents.
- 8.24 The proposed family unit includes the provision of a private garden which is welcome and in accordance with policy.
- 8.25 There is also a communal roof terrace at second floor level for the use of all of the residents which measures approximately 35 square meters. It is noted that the one bedroom units do not include private amenity space. However, in this instance it is considered that given the scale of the scheme and the constraints of the site that overall there is adequate provision of amenity space overall.

Design

- 8.26 Part 4 of strategic policy SP10 of the CS seeks to ensure that buildings and neighbourhoods promote good design principles by respecting local context and townscape; including the character, bulk and scale of the surrounding area.
- 8.27 Furthermore, saved policy DEV1 of the UDP outlines that all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials, they should also be sensitive to the development capability of the site, maintain the continuity of street frontages and take into account existing building lines, roof lines and street patterns. Furthermore, the design should take into consideration the safety and security of the development.
- 8.28 Finally, policy DEV2 of the IPG seeks to ensure that new development amongst other things, respects the local context, including character, bulk and scale of the surrounding area, ensure the use of high quality materials and finishes, contribute to the legibility and permeability of the urban environment, and contribute to the enhancement of local distinctiveness.
- 8.29 The proposal is for the demolition of the existing building which is two storeys in height. It is noted that as the site is not a designated heritage asset i.e. it is neither listed nor located in a conservation area. Therefore, planning permission is not required for the demolition of the existing building.
- 8.30 The proposal is for the erection of a building between two and four storeys. The four storey element would front Old Ford Road and Armagh Road and it would drop to two storeys at the rear which is in keeping with the massing of the existing property. The design of the building includes a mansard roof set behind a parapet. The design also includes a clock feature at the corner of Old Ford Road and Armagh Road. The proposed materials include grey coloured brick at first floor level, buff coloured brick at second and third floor level, and

copper cladding for the mansard roof.

- 8.31 Within the vicinity of the site there are mix of building heights and styles of properties which vary from two to four storeys. These include terraced family houses and residential buildings providing flats.
- 8.32 The design, bulk, scale and height of the proposed building, is considered acceptable in this location. This is a corner site with the potential for increased height. This pattern of development is evident at Moorhen House directly to the north of the site which is also four storeys in height.
- 8.33 The existing building is two storeys in height with a pitched roof and measures 11.7 meters at its highest point. The proposed building would be four storeys in height with a mansard roof and measures 12.6 metres at its highest point. However, when consideration is given to the heights of the surrounding buildings it is considered that the increase in height and massing by merit of the mansard roof would be acceptable in this location. It is noted that the proposed development is in keeping with the scale of Moorhen House to the north and the four storey building to the south which forms part of the Ranwell Estate.
- 8.34 It is considered that the relationship between 520 Old Ford Road and the proposed building is acceptable because the mansard roof is set back and slopes away from the adjacent property and there is a gap between the two properties. 510 – 520 Old Ford Road is a group of six residential properties and the site was never a part of this group in terms of building line, height, bulk, scale and massing. As such, it is considered that the design, bulk and scale of the proposed development has taken account of the surrounding development and respects its local context.
- 8.35 It is considered that in order to ensure that the proposed scheme would be successful, a high quality palette of materials is essential and this will be controlled via condition.

Amenity

- 8.36 Part 4 a and b of strategic policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that adjoining buildings are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or a material deterioration of daylighting and sunlighting conditions.

Sense of Enclosure and Outlook

- 8.37 The proposed development seeks to maintain the existing building lines, height, bulk and scale of the existing development as far as possible. However, the proposed building would result in an increase in the bulk, scale and mass when viewed from the rear gardens of 510-520 Old Ford Road facing east. There is currently a gap between the two buildings on site which offers views between the buildings which would be partially lost as a result of the proposed development.
- 8.38 The applicant has sought to reduce the impact of the proposed building from previous schemes by incorporating a mansard roof into the design. The slope of the mansard reduces the impact of the top floors of the building. The footprint of the mansard roof has also been reduced in order to reduce the impact on the existing residents of 510-520 Old Ford Road. The main increase in bulk occurs along the Armagh Road elevation.
- 8.39 In terms of outlook and sense of enclosure it is considered that the proposed building would result in an impact on the existing residents of 510 – 520 Old Ford Road. This would be mostly noticeable from the rear gardens. However, it is not considered this would be a

substantial impact. In assessing this matter consideration has been given to the difference in massing between the existing building and proposed building. It is the increase in massing which would impact upon the outlook and sense of enclosure of these residents. However, consideration has also been given the layout of these residential properties and the existing relationship to the application site. The fact the existing building is 'L' shaped means it wraps around these properties and already limits the sense of outlook and encloses these buildings.

- 8.40 Furthermore, when consideration is given to the overall benefits of the scheme it is not considered that in this instance given the existing relationship between the buildings that it would not merit a robust reason for refusing this scheme.

Overlooking and Privacy

- 8.41 It is not considered that the proposed development would result in an increase in overlooking or loss of privacy for existing residents or would not be an issue for proposed residents because there are no windows along the northern elevation of the proposed family house and the rear of 510-530 Old Ford Road. There is one window along the western elevation and this serves a communal hall way and would be obscure glazed. The proposed roof terrace would be screened and have planting. These matters would be controlled via condition in order to ensure they are maintained in perpetuity.

Daylight and Sunlight

- 8.42 The Environmental Health Daylight and Sunlight Officer, has reviewed the submitted report prepared by Delva Patman Associated, dated 10th June 2010 and is satisfied with its contents.

Sunlight

- 8.43 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months. The submitted report indicates that the tested properties would receive levels of sunlight in winter and summer above BRE guidance levels.

Daylight

- 8.44 The submitted report includes the results of BRE Vertical Sky Component and Average Daylight Factor tests.
- 8.45 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including ADF. This figure calculates the average amount of daylight which a room would receive.
- 8.46 In respect of VSC, three windows were tested and the results indicate that none of the windows currently comply with BRE guidance. However, two of the three windows would experience a failure of less than 20% and this is in accordance with BRE guidance. In respect of 520 Old Ford Road, the difference between the existing and proposed situation would be 28.7%. However, when consideration is given to the ADF results it is noted that all of the windows pass and are in accordance with BRE guidance.

- 8.47 In conclusion, it is evident that, when consideration is given to the existing urban location that the level of failure for one window in respect of one test is marginal and on balance this would not merit refusal of the scheme.

Overshadowing

- 8.48 BRE Guidance states that open spaces should receive not less than 40% of available annual sunlight hours on the 21st March. Furthermore, any additional loss must be within 20% of the former conditions. The proposal would be acceptable in respect of its impact in terms of overshadowing.

Noise

- 8.49 Local residents have raised concerns about the impact of the proposed use in respect of noise disturbance from patrons of the community use and from the residential occupiers of the building.
- 8.50 The hours of operation of the proposed community centre would be controlled via condition in order to ensure that there would be no impact in respect of noise and disturbance from users of the proposed building. The suggested hours of operation are 8am – 9pm Monday – Friday and 9am – 9pm on Saturdays and Sundays.
- 8.51 This is in line with part 4(a) of strategic policy SP10 of the CS, saved policy DEV50 and HSG15 of the adopted UDP and DEV10 of the IPG which seek to protect residential amenity.
- 8.52 In respect of the proposed residential accommodation, it is not considered that there would be any noise and disturbance over and above noise experienced from any other residential development. There is a near identical specialist housing scheme at The Whitechapel Family Centre, Newark Street and the Community Safety Officer has confirmed that there has not been reports of anti-social behaviour linked with the use. Furthermore, having reviewed the Environmental Health records there have been no complaints in respect of noise associated with the existing Whitechapel Family Centre.

Highways

- 8.53 Policy 3C.1, 3C.2, 3C.3 and 3C.23 of the LP, seek to integrate transport and development and promote sustainable modes of transport, by encouraging patterns and forms of development which reduce the need to travel by car, seeking to improve walking and cycling capacity and allowing development in suitable locations.
- 8.54 Strategic Policy SP09 of the CS, saved UDP policies T16 and T18 and policies DEV16, DEV17 and DEV19 of the IPG, which outline that in respect of new development consideration, should be given to the impact of the additional traffic which is likely to be generated, the need to provide adequate cycle parking and the need to minimise parking and promote sustainable development.
- 8.55 The Highways officer has raised no objection in respect of the proposed use and its impact on the surrounding highway network. Given, there would be no increase in the intensity of the use of the site; it is not considered there would be an adverse impact on the surrounding highway network.
- 8.56 Residents have raised concerns about the impact of the existing use in respect of parking stress. It is noted that users of the church are using private parking bays. This is not a matter which could be controlled by planning given the bays are not part of this application. However, it would be possible to resolve some of these matters via a Management Plan

which would require the Community Facility to provide information about sustainable modes of transport and the location of on street parking within the vicinity of the site.

- 8.57 The proposed residential units would be secured as car free. This would be secured via a section 106 agreement. This is in line with policy and would promote sustainable modes of transport and reduce stress on the surrounding highway network.
- 8.58 The provision of cycle parking in line with Council standards would be controlled via condition. It is noted that the Highways Officer has requested Sheffield bicycle stands as opposed to the vertical Kendal system proposed.

Other Planning Issues

Energy

- 8.59 Policies 4A.1, 4A.3, 4A.4, 4A.6 and 4A.7 of the LP sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used and generated from renewable sources. The LP requires a reduction of 20% reduction in carbon dioxide emissions from on site renewable energy generation.

The latter London-wide policies are reflected in policies SP11 of the CS, DEV5 and DEV6 of the IPG.

8.60

- 8.61 The applicant submitted an energy report prepared by Ecowise dated 6th August 2010. This outlines that the proposed residential accommodation aims to achieve Code for Sustainable Homes Level 4 and comply with the LP. The report outlines the ability of the scheme to comply with the above policies. At this stage the preferred option has not been outlined. This matter could be controlled via condition if planning permission were granted.

Refuse

- 8.62 The refuse store is located integral to the building at the elevation facing Armagh Road, allowing refuse collection to be made directly from the street. This is in line with strategic policy SP05, saved policies DEV55 and DEV56 of the UDP and policy DEV15 of the IPG. These policies seek to ensure that new developments have adequate refuse storage facilities. This retention of the refuse store in perpetuity could be controlled via condition if planning permission were granted.

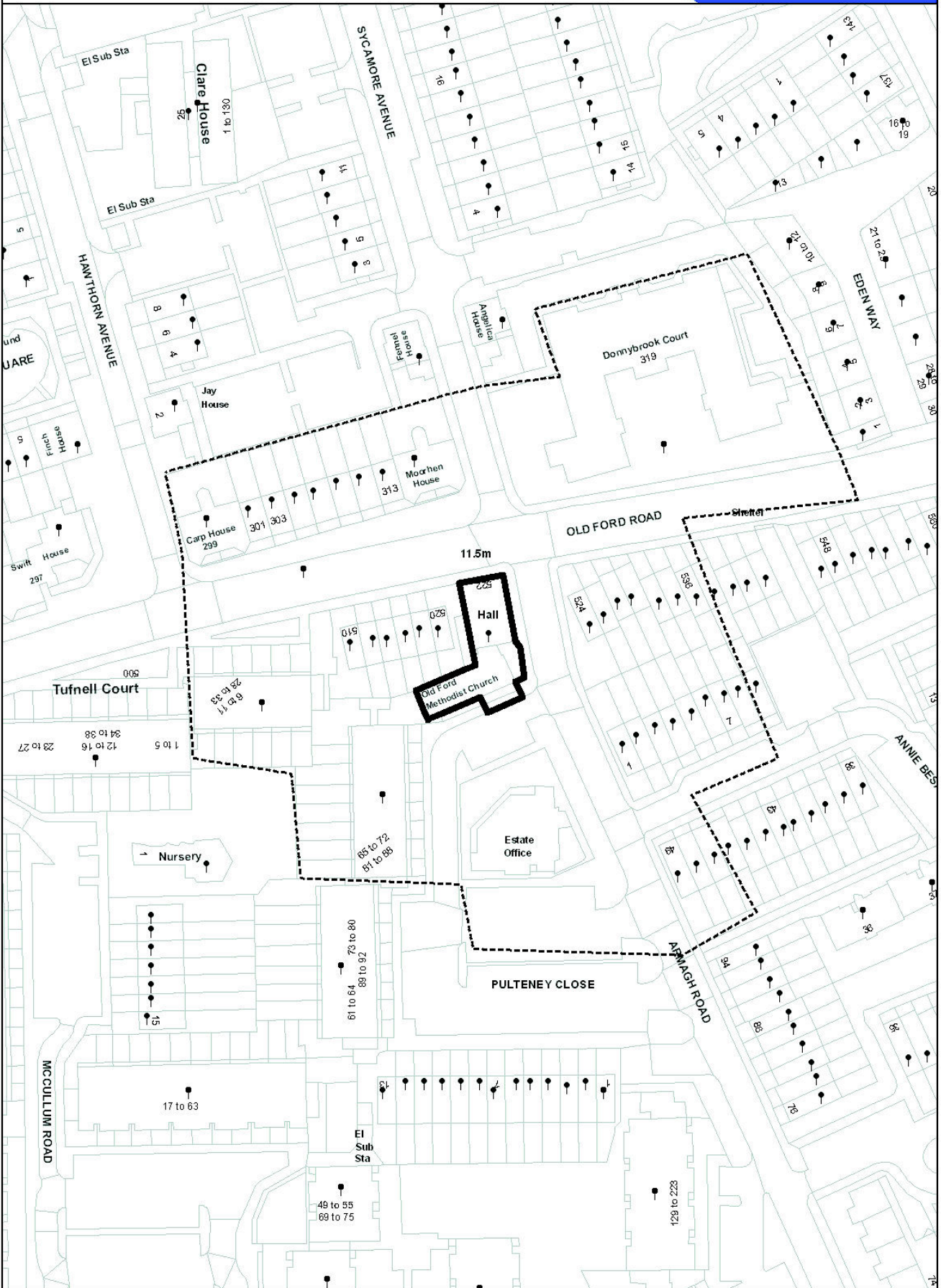
Archaeology

- 8.63 To date no comments have been received from English Heritage Archaeology. There comments will be reported in an update report. Given, the site is in a archaeological priority zone it is considered that if planning permission were granted a condition should be attached requiring the submission of a archaeological report.

Conclusions

- 8.64 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:1,250
 Consultation Area	 Statutory Listed Buildings	0 30 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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Agenda Item 7.2

Committee: Development	Date: 10 th November 2010	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Nasser Farooq		Ref No: PA/10/1897	
		Ward(s): St Dunstan's and Stepney	

1. APPLICATION DETAILS

Location: Land between 32-34 Repton Street, Limehouse, London E14
Existing Use: Car park.
Proposal: Construction of a new build residential block of three storeys on existing car park site to provide 3 x three bedroom flats with associated amenity space. The proposal results in a net loss of 10 car parking spaces with the retention of 11 car parking spaces to be accessed from Blount Street.

Drawing Nos: P-038, P-39, P-040, P-041 and P-042.
Applicant: Gateway Housing Association
Ownership: Applicant
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), the Council's Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposal change of use from a car park to housing is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with Core Policy SP02 of the Core Strategy adopted 2010, policy 3A.3 of the London Plan, policy HSG1 of the Council's Interim Planning Guidance (2007), PPS3: Housing, which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with the local context of the site and to promote the delivery of housing through the use of brownfield sites.
- 2.3 The proposed building is not considered to adversely affect the amenity of neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure and loss of daylight and sunlight. As such, the proposal is in accordance with saved policy DEV2 of the Council's Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties are protected and maintained.
- 2.4 The height, scale, bulk and design (including materials), of the proposed building is

considered acceptable and in compliance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.

- 2.5 The quantity and quality of housing amenity space is considered to be acceptable and in line with PPS3, policy 3A.6 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policy HSG7 of the Council's Interim Planning Guidance (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.6 Subject to condition the safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.7 Subject to conditions and a legal agreement, transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
 - a. The prior completion of a **legal agreement** to secure the following planning obligations:
 1. Secure the development as car-free
- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Permission valid for 3 years.
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials for all external elevations of the building.
4. Landscaping and boundary treatments including gates and fencing.
5. Highways agreement
6. Cycle parking
7. Parking layout (to include disabled spaces and charging points)
8. Contamination
9. Refuse provision
10. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives:

1. This scheme is subject to a legal agreement.
2. Section 278 (Highways) agreement required under condition 6.
3. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

4. PROPOSAL AND LOCATION DETAILS**Proposal**

- 4.1 Construction of a new build residential block of three storeys on the existing car park site to provide 3 x three bedroom flats with associated amenity space. The proposal results in a net loss of 10 car parking spaces with the retention of 11 car parking spaces to be accessed from Blount Street.

Site and Surroundings

- 4.2 The application site is located on a car park between 32 and 34 Repton Street, approximately 300m north of Commercial Road.
- 4.3 The immediate area is brick terraces dating from the 1990s. To the west of the site is 18-32 Repton Street which is a two storey, uniform terrace consisting of yellow brick finish with pitched roofs.
- 4.4 The terrace to the east of the site (numbers 34 to 46 Repton Street) is also of a similar two storey, pitched roof design. These properties also have uniform front dormers. The two end properties numbered 34 and 46 Repton Street (which adjoins the site) are three storeys in height.
- 4.5 To the south of the site is another set of similar terraces which follow the roof lines of 18-32 Repton Street and 34-46 Repton Street. They are accessed from Blount Street and Camdenhurst Street respectively.
- 4.6 To the immediate north of the application site is a flank wall of Causton Cottages which are accessed from Galsworthy Avenue.
- 4.7 The surrounding area is residential in nature.

Planning History

- 4.8 Planning application PA/09/00939 was withdrawn on 11/08/2009. The description of the development read as follows:
- 4.9 Construction of a new build residential block of three storeys with an additional storey built in the roof space above and in place of existing car parking spaces to provide two 2 bedroom flats and 2 x 3 bedroom flats. The existing site has 18 car parking spaces plus two on an adjacent site (total 20) and the revised scheme has 14 spaces total for use by existing residents.
- 4.10 The scheme as submitted was withdrawn following concerns raised by the Council on design and highway grounds.
- 4.11 A revised application under the same description was resubmitted under planning

reference PA/09/2562. The application was recommended for approval by officers and was overturned by members at the Development Control Committee on 3rd February 2010.

4.12 At the committee, members raised concerns over parking and amenity which formed the following reasons for refusal:

1. *The proposed loss of 10 car parking spaces is considered to result in an increase in residential on street parking and deterioration in the environment of residential areas by virtue of reducing a local community parking facility resulting in an increase demand for on street parking. As such, the proposal does not accord with saved Policies DEV2, T10 and T16 of the Unitary Development Plan (1998) which seeks to protect the operational need of residential on street parking and any deterioration in the environment of residential areas from developments.*
2. *The proposed infill of the car park and the redevelopment of the site to provide a part two, part three storey building is considered to result in an increase sense of enclosure to local residents to the detriment of the environment and local amenity in general. As such the proposal is contrary to Saved Policy DEV 2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007) which seeks to protect the environment and residential amenity.*

4.14 An appeal was lodged against this decision and was subsequently dismissed by the Planning Inspectorate on the impact of the development in terms of parking on the highway (appeal decision is appended to this report). In paragraph 12 of the appeal decision (dated 26th July 2010) the inspector stated:

12. I consider the proposed development to be of an acceptable design that is contextually appropriate. However, in the absence of a signed and sealed planning obligation for a car free development there would be no guarantee that potential pressure on residents parking would not occur.

4.15 Whilst the Council and the applicant had considered this matter could have been resolved by the imposition of a condition, the Inspector considered that in the absence of a legal agreement it would have been difficult to be fully satisfied that the proposed development would not have an adverse impact on the highway.

4.16 In response to this appeal decision, the applicant has resubmitted the same application with a view to completing a car-free agreement.

4.17 Given the inspector considered the absence of a car-free agreement as the overriding concern for dismissing the appeal, it is considered that subject to a car free agreement, officers consider the development has overcome all the earlier concerns and must now be supported by officers.

4.18 The appeal decision is appended to this report, given the scheme has not changed as previously submitted significant weight should be given to the views expressed by the Planning Inspectorate.

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for "Planning

Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Core Strategy adopted September 2010

Policies	S07	Support housing growth to meet housing demand
	S09	Well designed housing
	SP02(1)	Housing targets
	SP09(4)	Promoting car free developments
	SP13	Planning obligations

5.3 Unitary Development Plan (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	HSG13	Internal Standards for Residential Developments
	HSG16	Amenity Space
	T16	Impact of Traffic

5.4 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV5	Sustainable Design
	DEV19	Parking for Motor Vehicle
	HSG1	Housing targets
	HSG7	Housing Amenity Space

5.5 Supplementary Planning Guidance/Documents

Designing Out Crime
Residential Space
Landscape Requirements

5.6 Spatial Development Strategy for Greater London (London Plan)

3A.3	Maximising the potential of sites
3A.6	Quality of new housing provision
4B.1	Design Principles for a compact city
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities

5.7 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG3	Housing

5.8 Community Plan: The following Community Plan Objectives relate to the application.

A better place for living safely
A better place for living well
A better place for creating and sharing prosperity

6. CONSULTATION RESPONSES

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Highways Department

6.3 The site has a PTAL rating of 5 which demonstrates that a good level of public transport service is available within the immediate vicinity of the site, mainly due to the proximity of the site to Limehouse Rail and DLR stations and the bus services which operate along Commercial Road.

6.4 The site is suitable for a car and permit free agreement whereby future occupants of the residential units are prevented from obtaining parking permits. Any Planning Permission should therefore be subject to a Section 106 car free agreement.

6.5 The existing site use as a car park has provision for eighteen parking spaces, with a further two spaces accessed via the parking mews off Blount Street. The revised parking layout provides eleven spaces on the development site, which represents a further reduction in the number of on-site parking spaces retained, in line with the findings presented within the car park utilisation survey. These spaces are for the sole use of the existing local residents and the applicant has confirmed that occupants of the proposed residential units will not be entitled to use the parking spaces.

6.6 The minimum circulation distances and swept path analysis drawings demonstrate the ability of both large and medium private cars to manoeuvre in and out of the proposed parking spaces. The drawings provided in support of the current application are considered acceptable by the Highways Department.

6.7 Developments with on-site car parking are required to provide two spaces or 10% of the total parking, whichever is greater, as accessible parking for people with disabilities, This has not been catered for in the design, however it is felt that two parking spaces could easily be marked up and designated for the use of disabled people . A condition to this effect is recommended if consent is granted. (**Officer Comment:** *A condition to require the disabled parking spaces is recommended*).

6.8 The provision of four cycle parking spaces is acknowledged and welcomed. However, LBTH policy states that Sheffield type stands are the preferred design and the majority of the cycle parking should be provided in this form. (**Officer Comment:** *A condition to ensure the cycle spaces are secured is recommended*).

6.9 LBTH require a minimum of one electric vehicle re-charging point per car parking. Highways will accept a minimum 20% of the parking bays to be installed with electric vehicle charging points. (**Officer Comment:** *A condition to require these charging points is recommended*).

6.10 From the plans submitted, it would appear that the bin storage area for the residential units is within the 10metre distance of the collection point which is acceptable.

6.11 There will be Section 278 requirements brought about by the construction of this

development. This will include renewing the footways, kerbs and any damaged carriageway along the frontage of the development.

Conclusions:

- 6.13 The Councils Highways officer has outlined a list of conditions should the Committee be minded to grant planning permission.

Secure by Design Officer:

- 6.14 The buildings design, and the issues previously mentioned regarding seating at the front elevation, and the access into the building at the rear, appears acceptable. However, in terms of the car park to the rear it is considered that given the site is not permeable to pedestrians that the parking area should be gated to ensure the safety of users. (**Officer comment:** *It is recommended that gates to the parking area are conditioned as part of any consent in order to address these concerns*).

LBTH Environment Health (Contaminated Land)

- 6.15 No comments have been received. (**Officer comment:** *Given there is the possibility for contamination then it is recommended that a condition is included (if granted)*).

7. LOCAL REPRESENTATION

- 7.1 A total of 101 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 2* Objecting: 0 Supporting: 0
No of petitions received: 1 containing 177 Signatories in objection.

* The individual responses raised no objections or support. One letter requested clarification of the implementation dates and the second advised the Council to determine the application as they considered.

- 7.2 The following issues were raised in representations that are material to the determination of the application, they are addressed in the next section of this report:

- Proposal will have an adverse environment impact
- Change in the environment
- Increase in overcrowding
- Obstruct natural sunlight to adjacent properties
- Increase in pressure on schools and health centres
- Create vehicle congestion
- Loss of car parking spaces
- Infringe on right to privacy
- Inconvenience for residents when going to Commercial Road
- Car free development would not work
- Vehicle congestion on Blount Street.

- 7.3 The following are non material matters raised by the representations:
- 7.4 Alternative measures to secure site (**Officer Comment:** *The Council is required to assess the proposal as submitted. However, as set out in paragraph 6.14 the measures to secure the parking area would be conditioned*).
- 7.5 Loss of free air (**Officer Comment:** *It is not considered the proposal would result in a loss of free air*)

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:

Land Use
Design
Loss of access route
Highways
Car parking

Land Use

- 8.2 The subject site is unallocated on the Unitary Development Plan (1998) and is currently used as a designated car park.
- 8.3 In accordance with polices 3A.1 and 3A.2 of the London Plan, the Mayor is seeking the maximum provision of additional housing in London. Housing targets identified in policy SP02(1) of the adopted Core Strategy (2010) indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025, with infill development identified as an appropriate mechanism for delivery.
- 8.4 The site is considered to be an appropriate location to meet this demand given the high public transport accessibility for the area. The immediate vicinity is also predominantly residential. No objection is raised to the change use of the site for residential purposes, subject to other planning considerations.
- 8.5 In particular, the loss of car parking and accessibility through the site are discussed in the proceeding sections of this report.
- 8.6 The proposal change of use from a car park to housing is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with Core Policy SP02(1) of the Core Strategy (Adopted 2010), policy 3B.3 of the London Plan, policy HSG1 of the Council's Interim Planning Guidance (2007) and PPS3: Housing, which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with the local context of the site and to promote the delivery of housing through the use of brownfield sites.

Design

- 8.7 Saved policy DEV1 of the Unitary Development Plan states all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials and being visually appropriate to the site and its setting in the street scene. The policy also

requires that development is designed to maximise the feeling of safety and security for users.

- 8.8 Policy DEV2 and DEV4 of the Interim Planning Guidance October 2007 reinforces this position by requiring all development to be of high quality design, appropriate to local context and ensuring that the safety and security of development is maximised.
- 8.9 The proposal involves the erection of a part two, part three storey building with a pitched roof to cover the full plot width of the car park. The adjoining properties have bathroom windows overlooking the site and it is proposed to set the rear part of the building in by 1m from each side to allow these windows to be opened.
- 8.10 The ground floor fronting Repton Street provides direct access to the three residential units, a secure cycle location and a pedestrian controlled access gates to the secure car park.
- 8.11 A front garden is proposed which follows the design and form of the adjoining terraces. The garden provides space for the storage of domestic waste.
- 8.12 Two of the three units are proposed to be located at ground floor level with three bedrooms location at first floor level, accessed via internal staircases.
- 8.13 The third property is located predominantly at second floor level which contains two bedrooms, kitchen and a living/dining room. A smaller bedroom is located at second floor level. Access to this unit is provided by a separate secure staircase from Repton Street.
- 8.14 The internal layout of the units is efficient as they allow access to all rooms from a central hallway, and benefit from appropriately positioned windows to allow for adequate access to daylight and sunlight. Balconies and windows provide natural surveillance to the retained parking spaces to the south of the development.
- 8.15 The adjoining terraces are constructed of yellow brick. The proposal is for red brick to contrast with those of the existing terrace, details of which are proposed to be conditioned in order to ensure acceptability.
- 8.16 Balconies are proposed at the rear of the site. They are centrally located at first and second floor level. The size and amenity implications are discussed in the amenity section of the report.

Size of accommodation

- 8.17 The following table outlines the size of the residential units proposed.

<u>Type of accommodation</u>	<u>Size of unit</u>	<u>Recommended size (Unitary Development Plan)</u>	<u>Does it comply</u>
3 bed 6 person	<u>93sq.m</u>	<u>86.5</u>	<u>Yes</u>
3 bed 6 person	<u>93sq.m</u>	<u>86.5</u>	<u>Yes</u>
3 bed 6 person	<u>100 sq.m</u>	<u>86.5</u>	<u>Yes</u>

Loss of permeability

- 8.18 The sites current role as a car park provides direct access for residents to the north of Repton Street to Commercial Road to the South via Brenton Street.
- 8.19 Given Commercial Road is a major road with good transport links, it is envisaged that this route is likely to be popular and well used mainly by residents of Galsworthy Street which is directly north of the car park site.
- 8.20 Should planning permission be granted it would result in a loss of access through this site. This is one of the objections outlined in the submitted petition. The applicant has confirmed that there is no right of way thorough this site and the Councils geographical maps also indicate that Brenton Street has no designated route to Repton Street.
- 8.21 As such, it is considered that the proposal will not result in a significant loss in terms of permeable access to warrant refusal of the application given alternate routes exist within a short distance to Commercial Road. The route to the east of Repton Street is Blount Street located approximately 33m from the car park site and to the west of the proposal site is Camdenhurst Street which is 35m away. Both streets provide direct access to Commercial Road.

Safety and Security

- 8.22 The applicant has been in constant discussions with the Councils Secure by Design officer with a view to achieving a Secure By Design certificate. The applicant has employed the measures requested by the Secure by Design Officer which include gates restricting the access to the car park south of the applicant site.
- 8.23 As such, it is considered that the proposal has been suitably designed to take safety and security into consideration.
- 8.24 Overall, it is considered that the design and layout of the proposal maximises the development potential of the site without adversely affecting adjoining properties and providing an acceptable design response to the local context. The development thereby accords with the requirements of policy 3B.3 of the London Plan, saved policy DEV1 of the Unitary Development Plan 1998 and DEV2, and DEV4 of the Interim Planning Guidance which seek to ensure development is well designed by being respectful of local context and maximising the safety and security of users.

Sunlight/ Daylight

- 8.25 Saved policy DEV2 of the Unitary Development Plan 1998 seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. This is reinforced by DEV1 of the Interim Planning Guidance October 2007 which requires development to protect, and maintain the amenity of adjacent residents.
- 8.26 Due north of the application site is the flank wall of Causton Cottages and the proposed building follows the immediate building lines of adjacent properties. As such, it is considered that the proposal will not result in a loss of daylight or sunlight to neighbouring residential properties.

Sense of Enclosure/ Loss of Outlook

- 8.27 Given the position of the proposal, the development would not create any unacceptable sense of enclosure or loss of out look to habitable rooms adjacent to

the site.

- 8.28 A concern of the previous application was the location of the balconies. However the centrally located balconies would not result in any direct overlooking to the rear of properties 14-28 Camdenhurst Street and 21-35 Blount Street.
- 8.29 As such, the proposal would accord with saved policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance which seeks to protect and maintain residential amenity.
- 8.30 In response to members concern that the redevelopment of the site would result in an increased sense of enclosure to local residents to the detriment of the environment and to local amenity in general. The Planning Inspectorate in paragraph 9 responded as follows:

...the car park provides a gap in the street frontage, albeit a planned gap in the estate layout, which contributes little to the Street scene or to visual amenity. The proposed development would link the existing terraces on Repton Street and improve the street scene. Although this encloses the space currently provided by the car park, I do not consider this to be harmful to the amenities of local residents. Built development would be no closer to the dwellings at the rear than currently exists and the existing car park area would be landscaped and improved in appearance.

10. I therefore consider that the proposed development accords with Policy DEV2 of the UDP and Policy DEV1 of the IPG.

Amenity Space

- 8.31 Saved policy HSG 16 of the Unitary Development Plan and policy HSG7 of the Interim Planning Guidance October 2007 require that all development should have an adequate provision of amenity space. The supplementary planning guidance indicates that 50 sq m should be provided for new housing developments.
- 8.32 Two of the proposed three dwellings benefit from a small front garden and a private garden measuring 25 sqm each. This amenity space is supplemented by an additional 5 sq m in the form of balconies at first floor level.
- 8.33 The third residential unit has a balcony providing 10 sq m of amenity space in the form of a balcony at second floor level.
- 8.34 Whilst it is noted that the proposed properties do not meet the recommended amenity space required for new development, given the quality and internal size of the units proposed it is considered that on balance this is considered acceptable.

Highways

Access

- 8.35 The site is located within an area of good public transport accessibility. The Site is located within walking distance of Limehouse DLR and C2C Stations. The site is also located a short walking distance from Commercial Road where there is a good bus service.

Parking

- 8.36 Policies 3C.1 and 3C.23 of the London Plan (Consolidated with Alterations February 2008 and saved policies T16 and T19 of the Council's Unitary Development Plan 1998 seek to ensure developments minimise parking and promote sustainable transport options.
- 8.37 Policy SP09(4) of the Interim Planning Guidance seeks to 'Promote car free developments and those which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport.
- 8.38 This reflected in policy DEV19 of the Interim Planning Guidance, which seeks to minimise the use of cars in areas of high public transport.
- 8.39 The applicant has entered into discussions to make the development 'car-free' which would prevent the three dwellings from obtaining a vehicle permit. An objection was received on the grounds of the proposal increasing vehicle congestion. However, subject to the imposition of a car free agreement, this would not be the case with the scheme reducing congestion.
- 8.40 Highways have requested electric charging bays and disabled parking spaces. Whilst, it is noted that the car parking spaces are the relocation of existing bays it is considered that the requirement to provide this would allow the development to be future proofed in terms of new technologies for alternative fuel sources. Furthermore, in terms of the disabled spaces these are necessary to ensure those who may not have an alternative means of travel are catered for.
- 8.41 In terms of bicycle provision, the development proposes four cycle spaces located in a secure enclosure. This is in-line with the Interim Planning Guidance and any planning permission would be conditioned to ensure that these spaces are retained.
- 8.42 The Councils approach to secure the development as car free, is supported by the Planning Inspectorate whom in paragraph 8 of the appeal decision for PA/09/2562 states:

I conclude that with a planning obligation for a car free development, the proposal would not lead to any deterioration in the environment as a result of either pressure for parking facilities from future occupiers of the flats or from the reduction in parking spaces on the appeal site. The proposal would accord with Policies DEV2, T10 and T16 of the UDP.

Servicing and Refuse Provisions

- 8.43 Provision for the storage of refuse and recyclable for the residential use has been provided for via an enclosed lockable area at the front of the dwellings. These are suitably located to allow the collection of refuse.

Other

Increase in pressure on schools and health centres.

- 8.44 Given the proposal is for three residential units, the Council would not be able to seek financial contributions to mitigate any possible pressure on schools.

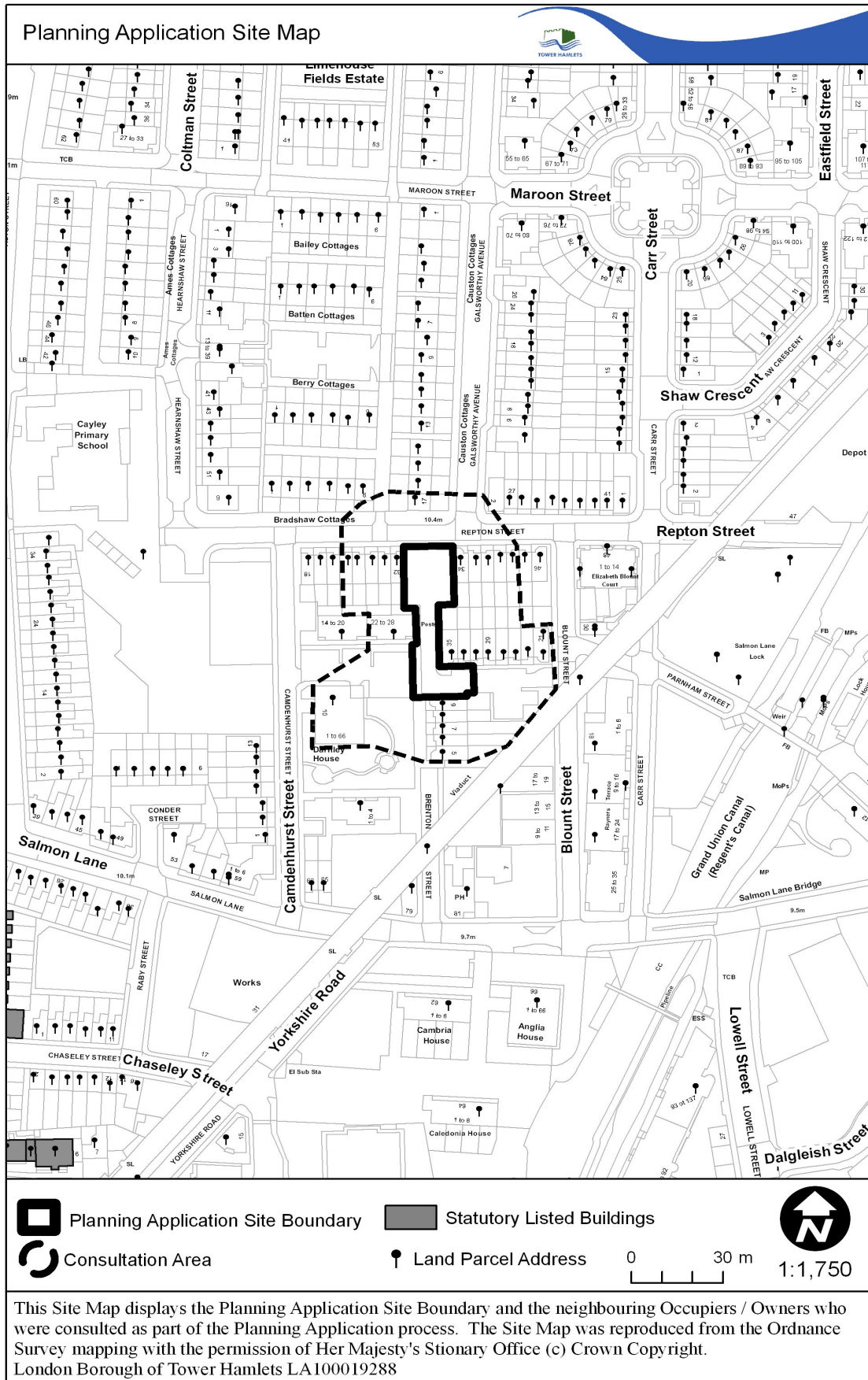
Furthermore the Council would be unable to justify a refusal on these grounds.

- 8.45 Importantly, the provision of the new socially rented dwellings may allow a family that is already on the Tower Hamlets housing waiting list to be relocated. As such they may already be catered for in existing schools and health centres.

Conclusions

- 9.0 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Appendix 1: Consultation boundary.



Appendix 2: Planning Inspectorates decision on PA/09/2562.



Appeal Decision

Site visit made on 26 July 2010

by **P N Jarratt BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@plins.gsi.gov.uk

Decision date:
3 August 2010

Appeal Ref: APP/E5900/A/10/2122099

Land between 32 and 34 Repton Street, Limehouse, Tower Hamlets, London E14

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Gateway Housing Association against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/09/02562, dated 13 November 2009, was refused by notice dated 4 February 2010.
- The development proposed is the construction of a new build residential block of three storeys on an existing car park site to provide 3 x three bedroom flats with associated amenity space. The proposal results in a net loss of 10 car parking spaces with some alterations to provide 11 car spaces.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this appeal are the effects of the proposed development arising from the loss of 10 parking spaces and on the amenities of local residents through an increased sense of enclosure.

Reasons

Car Parking

3. The appeal site is a 21 space car park between terraces of 2 and 3 storey houses located in a residential area. Some 18 spaces are accessed from Repton Street and 3 spaces from Blount Street. The proposed residential block would be sited between 32 and 34 Repton Street with a controlled pedestrian access to the rear. It would be part 2 and part 3 storeys in height, be of a similar depth to the existing housing and of materials appropriate to the site. Access to 11 car park spaces to be provided in a restyled and landscaped car park to the rear would be from Blount Street. These spaces would not be for the benefit of the residents of the proposed flats but for residents of existing dwellings.
4. The Council is concerned that the net loss of parking spaces would result in an increase in residential on-street parking and deterioration in the environment of residential areas by virtue of reducing a local community car parking facility resulting in an increased demand for on-street parking. The Council has not provided any evidence to support these concerns. On the contrary, the

Council's assessment of the access and parking implications of the proposal do not raise any significant concerns.

5. Policies in the London Plan, the Tower Hamlets Unitary Development Plan and the Council's Core Strategy, which has been adopted as Interim Planning Guidance (IPG) and to which I attach significant weight, seek to ensure that development minimises parking and promotes sustainable transport options. Policies seek to minimise the use of cars in areas of high public transport. The application site is located within an area of good transport accessibility for both trains and buses.
6. The appellant's car park utilisation survey indicates that the existing car park is underused with no more than 4-5 cars parked during peak accumulation periods at the start and end of each day and this is not contested by the Council. However, some residents consider that it is underused due to anti-social behaviour that occurs.
7. Policy CP40 of the IPG promotes car free development and those schemes which minimise on-site and off-site car parking provision in areas with good access to public transport. The implementation of the policy refers to the Council seeking planning obligations for car free development where appropriate. This would prevent residents of the proposed development seeking a residents parking permit. I consider that such an obligation would overcome any concerns regarding the potential impact that occupiers of the proposed flats would have on local on-street parking facilities.
8. I conclude that with a planning obligation for a car free development, the proposal would not lead to any deterioration in the environment as a result of either pressure for parking facilities from future occupiers of the flats or from the reduction in parking spaces on the appeal site. The proposal would accord with Policies DEV2, T10 and T16 of the UDP.

Enclosure

9. The Council is concerned that the redevelopment of the site would result in an increased sense of enclosure to local residents to the detriment of the environment and to local amenity in general. However, the car park provides a gap in the street frontage, albeit a planned gap in the estate layout, which contributes little to the street scene or to visual amenity. The proposed development would link the existing terraces on Repton Street and improve the street scene. Although this encloses the space currently provided by the car park, I do not consider this to be harmful to the amenities of local residents. Built development would be no closer to the dwellings at the rear than currently exists and the existing car park area would be landscaped and improved in appearance.
10. I therefore consider that the proposed development accords with Policy DEV2 of the UDP and Policy DEV1 of the IPG.

Other Considerations

11. The appellant's ground of appeal relates to the fact that Council officers had recommended approval of the proposed development but the appellant was dissatisfied about the manner in which the Committee determined the

application. This is not relevant to the appeal and I have confined my considerations to the planning merits of the proposal.

Conclusions

12. I consider the proposed development to be of an acceptable design that is contextually appropriate. However, in the absence of a signed and sealed planning obligation for a car free development there would be no guarantee that potential pressure on residents parking would not occur. It is not possible to remove a resident's right to apply for a parking permit by way of a condition.
13. For the reasons given above and having regard to all other relevant considerations, including the representations of the public and the petition against the scheme, I conclude that the appeal should be dismissed.

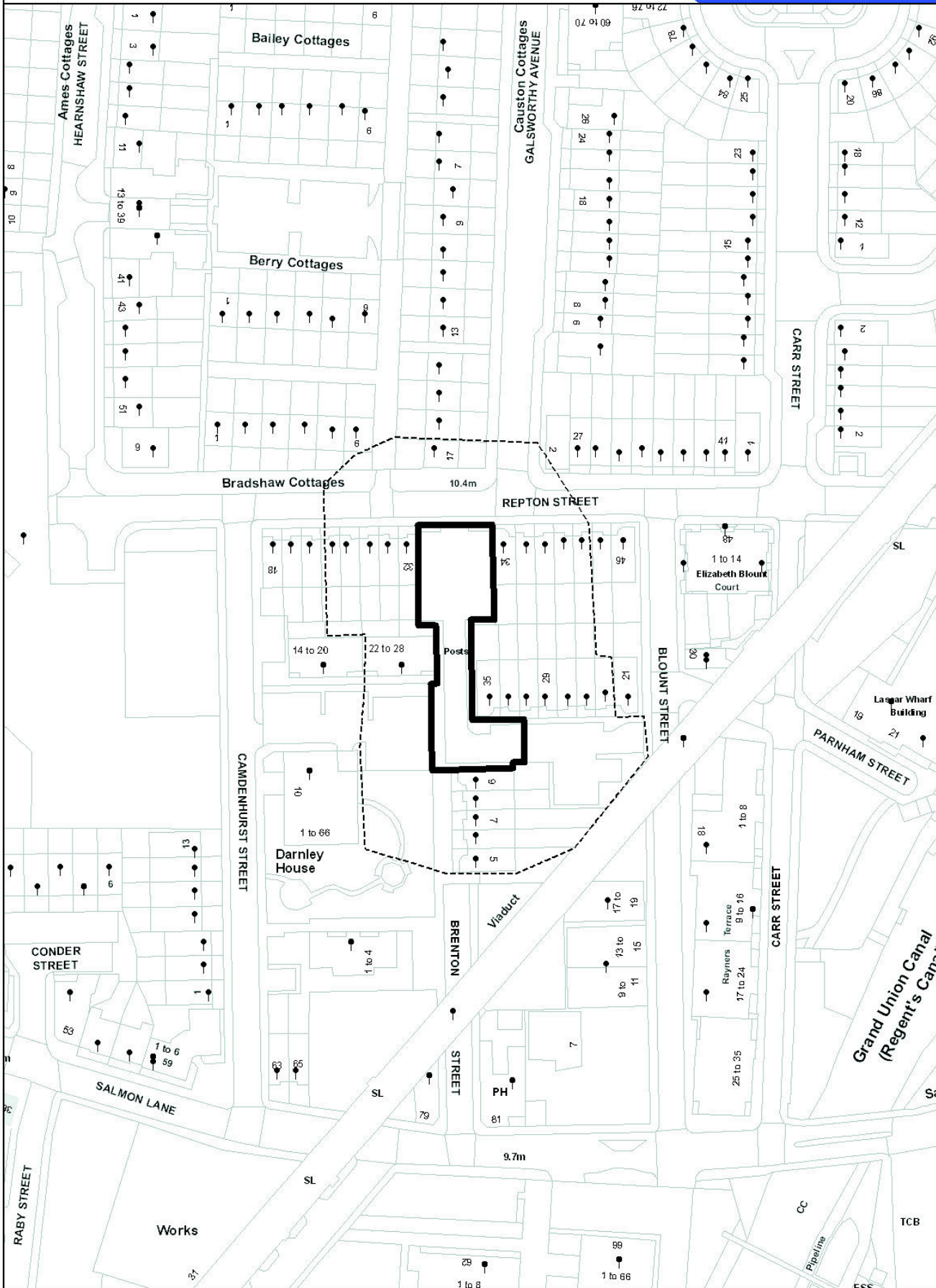
P N Jarratt

Inspector

End.

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Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:1,250
 Consultation Area	 Statutory Listed Buildings	 0 30 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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Agenda Item 7.3

Committee: Development	Date: 10 th November 2010	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal Case Officer: Daniel Buffa		Title: Planning Application for Decision Ref No: PA/10/01486 Ward(s): Millwall	

1. APPLICATION DETAILS

Location: Cutty Sark House, Undine Road, London

Existing Use: Residential 8 x private units

Proposal: Demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 26 residential units and associated landscaping.

Drawing No's:

- 1210_DWG_PL_001
- 1210_DWG_PL_011
- 1210_DWG_PL_100 rev PL02
- 1210_DWG_PL_101 rev PL04
- 1210_DWG_PL_102 rev PL02
- 1210_DWG_PL_103 rev PL02
- 1210_DWG_PL_104 rev PL02
- 1210_DWG_PL_105 rev PL02
- 1210_DWG_PL_020 rev PL01
- 1210_DWG_PL_200 rev PL01
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- 1210_DWG_PL_202 rev PL01
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- 1210_DWG_PL_210 rev PL01
- 1210_DWG_PL_300 rev PL01
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- 1210_DWG_PL_401 rev PL01
- 1210_DWG_PL_402 rev PL01
- 1210_DWG_PL_403 rev PL01
- 1210_DWG_PL_404 rev PL01
- 1210_DWG_PL_405 rev PL01
- 1210_DWG_PL_406 rev PL01
- 1210_DWG_PL_407
- 1210_DWG_PL_408
- 1210_DWG_PL_500 rev PL01

Supporting docs: Design and Access Statement, reference 1210_REP_PL_001, dated July 2010;
Noise Assessment, dated 18th June 2010;
Flood Risk Assessment, dated 25th June 2010;

Statement of Community Involvement, dated July 2010;
Transport Statement, dated 15th June 2010;
Residential Travel Plan Framework, dated 15th June 2010;
Arboricultural Survey and Constraints, dated 2nd September 2010;
Planning Statement, dated July 2010;
Ecology Survey, dated 29th June 2010
Daylight and Sunlight Study (Neighbouring Properties), dated 5th July 2010;
Daylight and Sunlight Study (Within Development), dated 5th July 2010;
Air Quality Assessment, dated 23rd June 2010;
Conservation Statement, dated July 2010; and
Sustainability Report, dated June 2010

Applicant: Gateway Housing Association & LTC
Owner: Gateway Housing Association & LTC
Historic Building: N/A
Conservation Area: Adjacent to Chapel End Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Unitary Development Plan 1998 (as saved September 2007), Interim Planning Guidance for the purposes of Development Control (2007), associated supplementary planning guidance, the London Plan 2008 (consolidated with alteration since 2004) and Government Planning Policy Guidance and has found that:

- The proposal makes efficient use of the site with a residential density range that accords with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP02 of the adopted Core Strategy (2010) and policy HSG1 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek the maximum intensity of use compatible with local context.
- The proposal provides an acceptable amount of affordable housing and mix of units overall and as such complies with policies 3A.5 and 3A.9 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP02 of the adopted Core Strategy (2010), saved policy HSG7 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies HSG2 and HSG3 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure that new developments offer a range of housing choices.
- The proposal would have no detrimental impact upon the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure, given the compliance with relevant BRE Guidance and proposed separation distances and as such accords with policy SP10 of the adopted Core

Strategy (2010), saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies DEV1 and DEV2 of Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

- Transport matters, including parking, access and servicing, are acceptable and accord with policy 3C.23 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP09 of the adopted Core Strategy (2010), saved policies T16 and T18 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and accord with policies 4A.3 to 4A.7 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP11 of the adopted Core Strategy (2010) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to promote sustainable development practices.
- The proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities and communities, leisure and cultural facilities in line with Government Circular 05/05 and tests contained in section 122 of the Community Infrastructure Levy Regulations 2010, policy SP13 of the adopted Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policy IMP1 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. The prior completion of a **legal agreement** to secure the following planning obligations:

- a) Twenty-six units (100% of the development) is secured as affordable housing, with a tenure split of 63% social rent to 37% intermediate in terms of habitable rooms.
- b) A contribution of £148,300 towards mitigating the demand for local primary school places.
- c) A contribution of £ 6,136 towards library facilities in the borough.
- d) A contribution of £27,622 towards leisure facilities in the borough.
- e) A contribution of £47,342 towards mitigating the demand for local open space.
- f) 100% of development to be car free.
- g) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal.

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the

legal agreement indicated above and that, if within 6-weeks of the date of this committee (22nd December 2010) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.4 **Conditions**

1. Three year time limit
2. Consent granted in accordance with Schedule of Drawings
3. Samples / pallet board of all external facing materials (including reveals and timber cladding) and typical details to be approved prior to commencement of works
4. Obscure glazing to all windows proposed within east flank elevation of western block.
5. Detail of landscaping scheme to include hard and soft landscaping, child play space, any gates, walls, fences and a Landscape Maintenance and Management Plan to be submitted, approved and implemented prior to occupation
6. Green and brown roofs to be implemented in accordance with plans
7. Details of cycle parking.
8. Construction Management Plan to be submitted, approved by the LPA and implemented prior to commencement
9. All residential accommodation to be completed to lifetimes homes standards plus at least 10% wheelchair accessible
10. Disabled parking bay to be designed and constructed in accordance with the standards described in the Department for Transport 'Inclusive Mobility' guidance.
11. All units shall have heat and domestic hot water supplied by Air Source Pumps.
12. Renewables shall be implemented in line with the Sustainability Report
13. Development shall achieve level 4 of the Code for Sustainable Homes
14. Development to be completed in accordance with submitted Flood Risk Assessment
15. Site investigation shall be carried out prior to commencement of development
16. If contamination is encountered at the site, development must cease and the contamination dealt with
17. Piling or other penetrative foundation designs must be approved by the LPA prior to commencement of development
18. Bat survey to be carried out prior to commencement of development and any re-siting of bat nest to take prior to commencement?
19. Hours of construction (08.00 until 17.00 Monday to Friday; 09.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
20. Schedule of Highway Works to be completed prior to occupation
21. Details of noise transmission/attenuation measures prior to commencement
22. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.5 **Informatives**

- 3.6
1. Section 106 required
 2. Section 278 required
 3. Wheel cleaning facilities during construction
 4. Any other informative(s) considered necessary be the Corporate Director Development & Renewal

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application involves the demolition of the existing block known as Cutty Sark House, which comprises 8 x 2-bed flats. In its place two separate buildings would be erected, comprising 26 residential units (2 x 1-bed, 10 x 2-bed, 8 x 3-bed, 4 x 4-bed and 2 x 5-bed). The eastern block would be some 5-storeys high, with the fifth-storey set back from the rest of the building. It measures a maximum of 12m in width, 46m in depth and 15.4m in height. The western block is four-storeys in height and measures 10.2m in width, 23m in depth and 12.3m in height.
- 4.2 At the northern end of the site is a disabled car parking bay and cycle storage. Landscaping is proposed around the site. The facing materials proposed are reclaimed stock brick, untreated timber cladding and anodised aluminium framed windows.

Site and Surroundings

- 4.3 This 0.245 hectare site is roughly triangular in shape. At present the site accommodates a single four-storey hipped roof block, comprising 8 x 2-bed self-contained flats. Around the block there is an area of tarmac which is laid out as 9 car parking spaces. The remainder of the site is grassed.
- 4.4 The site is bounded to the south by the adopted Spindrif Avenue and to the northwest by Undine Road, which is a private unadopted estate road. Located to the west is a site housing a gas governor and to the east the site is bounded by Docklands Light Railway Limited (DLRL) land.
- 4.5 Further to the south of the site, on the opposite side of Spindrif Avenue, lies the Chapel House Conservation Area. The conservation area is predominantly low rise and residential in nature, with most buildings being no more than two storeys in height. It has something of a 'garden city' feel. To the north of the site is the Clippers Quay residential estate where building heights are typically three to four storeys.
- 4.6 The site is located just some 20m to the west of Mudchute DLR station and has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility.

Planning History

- 4.7 The following planning decisions are relevant to the application:
- PA/01/01155 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal against non-determination dismissed 05.07.2004
- PA/03/01475 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal

against non-determination dismissed 05.07.2004

PA/09/02521 Demolition of existing building and erection of two buildings, one four storey and one four storey with setback, to provide 30 residential units with ancillary car parking and landscaping. Application withdrawn 29.01.2010.

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise

5.3 Spatial Development Strategy for Greater London (London Plan)

Policies:	2A.1	Sustainability Criteria
	3A.1	Increasing London’s Supply of Housing
	3A.2	Borough Housing Targets
	3A.3	Maximising the potential of sites
	3A.5	Housing Choice
	3A.6	Quality of new housing provision
	3A.9	Affordable Housing Targets
	3A.17	Protection of Social Infrastructure
	3A.23	Health Impacts
	3A.24	Education Facilities
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.22	Improving conditions for Cycling
	3C.23	Parking Strategy
	3D.10	Open Space Provision in UDPs
	3D.13	Children’s and Young people’s play space
	3D.14	Biodiversity and Nature Conservation
	4A.3	Sustainable Design and Construction
	4A.7	Renewable Energy
	4A.14	Sustainable Drainage
	4A.19	Improving Air Quality
	4B.1	Design Principles for a Compact City
	4B.3	Enhancing the Quality of the Public Realm
	4B.5	Creating an Inclusive Environment
	4B.6	Sustainable Design and Construction
	6A.4	Planning Obligations Priorities

5.4 Core Strategy (2010)

Policies:	SP02	Urban Living for Everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a blue and green grid
	SP09	Creating attractive and safe streets and spaces

SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking
SP13	Delivery and implementation

5.5 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrian needs in new Development
	OS9	Children's Playspace

5.5 Interim Planning Guidance for the purposes of Development Control (2007)

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity for Utility Infrastructure
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Affordable Housing

5.6 Supplementary Planning Guidance/Documents
Residential Space Standards
Designing Out Crime Parts 1 and 2

- 5.7 Community Plan** The following Community Plan objectives relate to the application:
- A better place for living safely
 - A better place for living well
 - A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

6.2 Docklands Light Railway Limited (DLRL)

- Proposal includes fencing within 5m exclusion zone, which is unacceptable. Fencing should be removed from scheme
- **(Officer Comment - DLRL has to give the land owner 14 days prior notice before enforcing its exclusion zone and the proposed fencing is fully demountable. Obviously in the case of emergency access to the DLR would be gained by any means necessary, without the relevant notice period. However, when DLRL were asked whether or not the land in question played any role in the emergency plans for Mudchute Station no such confirmation was given. The development is located some distance from the DLR line - the proposed eastern block is the closest and is located some 25m from the lay-by line and 40m from the main line itself. Furthermore, between the site and the DLR line is a tall, robust fence and substantive vegetation, which would take much longer to circumvent than the proposed demountable fencing. On balance, it is not considered a refusal could be substantiated on the grounds that the rear fencing of the eastern block breaches the DLRL exclusion zone);**
- Noise from DLR should be mitigated against
- **(Officer Comment – a condition in respect of noise transmission has been recommended);**
- DLRL request surveys before and after development to assess level of impact on DLRL's radio signal.
- **(Officer Comment – No evidence of potential impact supplied);**
- Request S106 contribution of £20,000 for departure information system
- **(Officer Comment – This is not relevant to the development, therefore it does not comply with the Community Infrastructure Regulations 2010 tests and has not been sought).**

6.3 Environment Agency

No objection subject to conditions relating to:

- Compliance with Flood Risk Assessment and implementation of green roof;
- Potential contamination at the site;
- Details of any piling to be approved prior to commencement of development

(Officer Comment – the requested conditions will be included if consent is granted).

6.4 English Heritage

Determine application in line with national, regional and local guidance.

6.5 London Fire and Emergency Planning Authority (LFEPA)

- The plans do not allow comment on Fire Brigade issues
- *(Officer Comment – the layout of the site has not altered markedly since application PA/09/02521. The LFEPA had no objection to that scheme and it is considered the Fire Brigade could easily access the site in case of emergency).*
- Assume water supplies in this area will be adequate for fire fighting purposes.

6.6 Thames Water

To date no comments have been received.

6.7 Tower Hamlets Primary Care Trust

To date no comments have been received.

6.8 National Grid

To date no comments have been received

6.9 LBTH Highways

- The scheme should be car-free and details of cycle parking should be agreed prior to approval
- *(Officer Comment – a car free development will be secured in a legal agreement; cycle parking can be adequately dealt with by condition);*
- Serving/refuse arrangements are unclear. If refuse is to be collected from Undine Road agreement must be sought from landowner. Travel Plan suggests residents will utilise home deliveries, but no loading bay is allocated. Use of Spindrift Avenue for servicing would not be supported; distance from refuse store to road is more than 10m **(Officer Comment – The Council's Cleansing Section has not commented on the proposal. Precise details of refuse storage can be dealt with by condition);**
- Work on the highway subject to a S278 agreement
- **Officer Comment – can be secured by condition).**

6.10 LBTH Education Department

S106 contribution of £148,300 sought.

(Officer Comment – The contribution has been agreed by the developer)

6.11 **LBTH Communities, Localities and Culture**

- S106 contribution of £47,342 sought to mitigate impact on open space.
- S106 contribution of £6,136 sought to mitigate impact on libraries.
- S106 contribution of £27,622 sought to mitigate impact on leisure/community facilities
(**Officer Comment** – *these contributions have been agreed by the developer*).

6.12 **LBTH Biodiversity**

To date no comments have been received

6.13 **LBTH Environmental Health**

To date no comments have been received

6.14 **LBTH Landscaping**

To date no comments have been received

7. **LOCAL REPRESENTATION**

7.1 A total of 130 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 58 Objecting: 58 Supporting: 0
No of petitions received: 1 objecting containing 57 signatories

7.2 The following local groups/societies made representations:

- Mudchute Park & Farm
- Clippers Quay Management Company (CQMC)

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Design

- Flat roof design out of keeping with surroundings/proposed materials incongruous;
- Massing, bulk and scale too much for site and surrounds, the two buildings are too close to one another and appear visually as one block, development too close to Undine Road;
- Overdevelopment/density too high. Loss of open space/impinges upon openness of area;
- Design not harmonious with adjacent conservation area or townscape nature of locality.
- Detracts from nearby Metropolitan Open Land and Sites of Nature Conservation;

- Development should occupy same footprint as existing building, but be built higher;
- Proposed development must take account of proposed security office and related flat on adjacent site;

(Officer Comment – Please refer to section 8.11-8.13, and 8.19-8.20 of the report for further discussion on the above points).

Amenity/Impacts

- Additional pressure on infrastructure (schools, healthcare, utilities);
- Insufficient amenity space and child play space - application relies on private local park, which is not acceptable;
- Overlooking, loss of outlook/views, loss of light;
- Flood risk must be addressed and proposal does not comply with air quality standards;
- Noise from DLR will impact upon proposed development – submitted noise assessment is flawed.
- Additional noise disturbance from increased number of residents
- Current site is badly maintained and an eyesore. This would be worse with 26 properties on the site. Open refuse store unacceptable given vermin and foxes in area;

(Officer comment – Please refer to section 8.32, 8.61, 8.66-8.67, 8.71, 8.79, 8.82, 8.85, 8.109 and 8.118 of the report for further discussion on the above points).

Housing

- No need for new housing locally at present and there is enough social housing in the area already;
- Existing block should be refurbished;
- Dwellings not HCA compliant, do not meet Lifetime Home standards or Mobility Housing Standards.

(Officer Comment – Please refer to section 8.4 and 8.47 of the report for further discussion on the above points).

Transport/highways/parking

- Car free schemes do not work. Car parking should be provided, particularly given provision of family housing;
- Proposal would exacerbate already busy local roads and public transport already congested. The development offers no loading bays, which will cause obstructions to the roads. Vehicular access unsafe;
- Riverboat travel prohibitively expensive for occupants of social rented units.

(Officer Comment – Please refer to section 8.95 and 8.105 of the report for further discussion on the above points).

Ecology

- Site should be allocated as Metropolitan Open Land and trees on site should be maintained;
- Impact on wildlife generally. There are numerous protected bird species in the area,

including robins. A bat survey should be carried out before planning permission is even considered.

(Officer Comment – Please refer to section 8.111-8.112 of the report for further discussion on the above points).

Health and safety/security

- Many people pass the site on route to station – could be dangerous during construction. Noise nuisance during building work
- **(Officer Comment – these matters can be dealt with by way of a Construction Management Plan which is a recommended condition);**
- Plans would cause security issues for Clippers Quay. Children will play in Clippers Quay land and this will lead to anti-social behaviour
- **(Officer Comment - there is no evidence to substantiate this argument. It is not considered that there are any problems with the design of the development that would lead to increased anti social behaviour and criminal activity is a matter for the police);**
- Nearby open water a danger to children
- **(Officer Comment - there is no reason why the open water would be a greater danger to children occupying the proposed development than children already living nearby.**
- Proximity of the building to the gas governor could prove a safety risk
- **(Officer Comment – National Grid has been consulted on this matter but has not responded).**

Other matters

- Proposal would contravene a Parliamentary Undertaking to landscape part of the site and the land cannot be developed. Area should be zoned as Metropolitan Open Land;
- Siting of proposal likely to lead to trespass and illegal parking on CQMC Land
- **(Officer Comment – there is a legal right of way over Undine Road. Any trespass is a matter for the courts. Illegal parking of CQMC land is a private matter for them to enforce against);**
- Impact on property values
- **(Officer Comment – this is not a planning matter)**
- Loss of right of way to DLR station
- **(Officer Comment – there is no public right of way through the site at present, even if it is used as such);**
- Applicants do not own all of the site
- **(Officer Comment – submitted information suggests the site is all in the applicants ownership and in any event even if an applicant does not own all or any of the site they can still apply for planning permission to develop the site);**
- Inaccuracies in the submission
- **(Officer Comment – there may be some minor mistakes in the submission, such as stating the development is located within PTAL4 and over-stating the sizes of some of the private amenity space. It is, however, possible to fully assess the proposal).**
- Compromises development potential of the CQMC gas governor site
- **(Officer Comment – adjoining site is undeveloped at present and there is no current planning application in);**
- Consultation by developer inadequate
- **(Officer Comment – the developer has submitted evidence of local consultation that is**

considered adequate).

7.4 The following procedural issues were raised in representations, and are addressed below:

- The Council did not erect a site notice along Undine Road
- **(Officer Comment - A site notice was put up along Spindrift Avenue, the application was advertised in East End Life and significant neighbour consultation was carried out. A large number of responses to the consultation have been received and it is considered the Council has wholly fulfilled its consultation obligations)**

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Design
3. Density
4. Housing
5. Amenity for future occupiers
6. Impact upon amenity of neighbours
7. Transport Impacts
8. Other planning matters

8.2 Land Use

8.3 The existing four-storey residential block on the site is unremarkable and unprotected. The site has no specific designation under the adopted Unitary Development Plan (1998) (as saved September 2007) ("UDP") and the area surrounding the site is predominantly residential in character.

8.4 The provision of additional housing is a key aim of national, regional and local planning policy and the proposal to retain and maximise residential use at the site is acceptable in principle and accords with policies 3A.1, 3A.3 and 3A.5 of the London Plan 2008 (Consolidated with Alterations since 2004) ("London Plan") and policy SP02 of the adopted Core Strategy (2010) ("CS"), which seek to maximise the supply of housing.

8.5 Design

8.6 Good design is central to the objectives of national, regional and local planning policy. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These policies are reflected in CS policy SP10, saved policies DEV1, DEV2 and DEV3 of the UDP; and Interim Planning Guidance for the purposes of Development Control (2007) ("IPG") policies DEV1 and DEV2.

8.7 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.

8.8 In general terms, the form of the two blocks is relatively simple. The blocks are both

roughly rectangular in shape and would be constructed of stock brick and untreated timber cladding, with large aluminium framed openings. The elevations are interesting without being busy and the design is an improvement on the existing uninspiring block.

8.9 Layout, height and scale

8.10 There have been numerous objections to the scheme stating that the proposal represents overdevelopment of the site. As will be discussed below the density of the development is considered acceptable, but working out the density of a scheme in policy terms is an arithmetical exercise and is not the only criteria for working out whether or not a scheme constitutes overdevelopment.

8.11 Other buildings in the area are predominantly two-storeys in height with pitched roofs, but there are other examples of four-storey buildings nearby, built in the same style as the existing Cutty Sark House, which is itself, of course, a four-storey hipped roof building.

8.12 The western block would be the visually more dominant of the two as it is located closer to the bend in Spindrift Avenue and is one storey taller. This is the part of the site that can best accommodate the height and the simple form of the buildings prevents them appearing unduly bulky in relation to their surroundings.

8.13 Whilst the buildings are positioned close to one another, with only 6.6m separation between them at the top end of the site, views are available between the buildings and the site layout provides a well defined pedestrian route through the site, which is clearly separated from the residential entrances. The buildings are set back some 6m from Spindrift Avenue, which provides sufficient breathing space and prevents the buildings appearing over-dominant. The set back from Undine Road is less, a minimum of 1.5m from the buildings themselves. However this is sufficient to prevent the buildings feeling too close or oppressive so as to be considered unacceptable.

8.14 Within the context of the site, which is bounded by open land to the east and west, the layout, height and scale of the scheme are, on balance, considered acceptable and to comply with CS policy SP10, saved UDP policy DEV1 and IPG policy DEV2.

8.15 Openness of site/impact upon the Conservation Area

8.16 To the south of the site is the Chapel House Conservation Area. In assessing planning applications adjacent to conservation areas the Council must assess the impact the development is likely to have upon the setting of that conservation area. Indeed, the previous appeal on the site was partly dismissed for this reason.

8.17 PPS5 provides guidance on the approach to development in and adjacent to conservation areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group. National guidance is carried through to the local level by CS policy SP10. IPG policy CON2 re-asserts that development in or affecting the setting of conservation areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design.

8.18 Policy HE10 of PPS5 states that the wider benefits of development must be considered

when assessing applications that affect the setting of a heritage asset. In this case the heritage asset is the Chapel House Conservation Area and the wider benefits of the development are the provision of 26 affordable homes.

- 8.19 The proposal is clearly not a carbon copy of development in the Chapel House Conservation Area, and nor need it be. What is carried through with this scheme, however, is the use of brick as the primary facing material and the clean, strong lines. The flat roofs proposed are not typical locally, but neither would they appear as incongruous and the separation of the blocks is enough to retain sufficient openness so as not to impinge upon the setting of the conservation area. The proposed blocks are certainly better designed than the existing single block.
- 8.20 The proposal covers the full width of the site, but for a 0.5m set-in from its western boundary. As such the proposal relies somewhat on adjacent land – to the east owned by the DLRL and to the west by Clippers Quay Management Company – to give it something of an open setting in the street scene. However, those sites are currently undeveloped and this scheme must be assessed on its own merits given the existing circumstances of the site and surrounds. It is therefore considered that the site would retain a sufficiently open feel.
- 8.21 On balance, and taking into account the wider benefits of provision of 26 affordable homes, it is considered the proposal would retain a sufficient degree of openness so as not to impinge upon the site or surrounding area or harm the setting of the adjacent Chapel House Conservation Area. As such the proposal complies with CS policy SP10, IPG policy CON2 and advice and guidance in PPS5.
- 8.22 Permeability and security
- 8.23 Saved UDP policy DEV1 and IPG policy DEV4 require development to consider the safety and security of users. Regard should also be given to the principles of Secure by Design. However, these matters must also be balanced against the requirements to promote site permeability and inclusive design.
- 8.24 The proposal provides a pedestrian route and courtyard through the site but still allows for sufficient defensible space to the front of the residential units to prevent any loss of security.
- 8.25 The Crime Prevention Officer mentioned that the scheme should be open at ground floor level to maximise views to and from the development. This matter can be addressed through landscaping and boundary treatment conditions, to prevent planting and fencing obscuring views of the buildings.
- 8.26 A further point raised by the Crime Prevention Officer was that boundary fencing to the rear gardens of the eastern block should be sufficiently high to prevent easy unlawful access to the properties. This matter can be easily addressed by a boundary treatment condition.
- 8.27 Subject to conditions, it is considered that the layout of the development will allow for a permeable and secure site. The proposal is therefore considered to accord with the requirements of saved UDP policy DEV1 and IPG policy DEV4.

8.28 **Density**

- 8.29 National planning guidance, set out in PPS1: Sustainable Development and PPS3: Housing, stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan policy 3A.3, which requires development to maximise the potential of sites, and policy 4B.1, which details design principles for a compact city. CS policy SP02 and IPG policy HSG1 also seek to maximise residential densities on individual sites, subject to acceptable environmental impacts and local context.
- 8.30 Table 3A.2 of the London Plan, which is associated with policy 3A.3, sets density ranges for areas, which are dependent on their setting and Public Transport Accessibility Level (PTAL). This site is located within an urban setting and the PTAL is 3, indicating average accessibility to public transport.
- 8.31 In areas of PTAL 3 the target density range set by Table 3A.2 is 200-450 habitable rooms per hectare. The application site area is some 0.245 hectares and 98 habitable rooms are proposed. The density of the development therefore equates to 400 habitable rooms per hectare.
- 8.32 This is comfortably within the set density range and overall the development would make the most efficient use of the land. The proposed mitigation measures, including financial contributions towards local education, open space, libraries and leisure, ensure that the development has no significant adverse impacts on local infrastructure and accords with London Plan policy 3A.3, CS policy SP02 and IPG policy HSG1.

8.33 **Housing**

- 8.34 This section of the report considers the acceptability of the housing provision on the site in terms of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units. The application proposes a total of 26 residential units
- 8.35 Affordable Housing
- 8.36 London Plan policies 3A.8 and 3A.9 state Boroughs should seek the maximum reasonable amount of affordable housing. CS policy SP02 sets an overall strategic target for affordable homes of 50% and requires all sites providing 10 or more homes to provide 35%-50% affordable homes.
- 8.37 The scheme provides 100% affordable housing, which exceeds the level set by CS policy SP02. 100% affordable housing provision is not necessarily appropriate on all sites, but in this case, given the large amount of private housing locally and the proposed tenure mix, which is discussed below, 100% affordable housing provision is acceptable.
- 8.38 Tenure mix – social rent : intermediate ratio
- 8.39 London Plan policy 3A.9 and CS policy SP02 seek a tenure split within the affordable housing units of 70:30 in favour of social rented units. In terms of habitable rooms the proposed tenure split is 63% for social rent and 37% for intermediate shared ownership.

8.40 The proposal, therefore, falls short of the required percentage of social rented units. However, given the scheme provides 100% affordable units a slightly higher percentage of intermediate accommodation than would usually be required will help to provide a mixed and balanced development. The tenure mix is thus considered acceptable and complies with the aims of London Plan policy 3A.9 and Core Strategy policy SP02.

8.41 Mix of dwelling sizes

8.42 The Council's housing studies have identified that there is a significant deficiency of family housing within the borough. This shortfall is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes, including an appropriate amount of family accommodation.

8.43 Core Strategy policy SP02 requires that 45% of social rented units should be for families. IPG policy HSG2 sets targets for the breakdown of the social rented units. The proposed unit breakdown, in comparison to policy, is as follows:

- 2 x 1-bed units (12.5%) against a policy target of 20%;
- 6 x 2-bed units (37.5%) against a policy target of 35%;
- 2 x 3-bed units (12.5%) against a policy target of 30%;
- 4 x 4-bed units (25%) against a policy target of 10%; and
- 2 x 5-bed units (12.5%) against a policy target of 5%.

Whilst there is an under provision of 3-bed units, overall the proposal provides 50% family housing, in excess of the policy target. The overall mix of social rented units is satisfactory and complies with the aims of Core Strategy policy SP02 and IPG policy HSG2.

8.44 Core Strategy policy SP02 requires an overall target of 30% for family housing and IPG policy HSG2 sets a target of 25% family accommodation for market and intermediate housing. No market housing is provided. The breakdown of the proposed intermediate units is as follows:

- 4 x 2-bed (40%);
- 6 x 3-bed (60%).

Whilst this does not represent a truly even split of unit types, it does offer a healthy proportion of family housing and when the whole scheme is viewed in the round it provides an appropriate mix of units.

8.45 Lifetime Homes/Wheelchair provision

8.46 London Plan policy 3A.5, Core Strategy policy SP02 and IPG policy HSG9 all require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.

8.47 This scheme provides three wheelchair accessible units (11%) and provides a designated disabled car parking space. Furthermore, each unit has been designed to comply with Lifetime Homes standards. A letter of objection claimed that the proposed development

would not meet these standards but a condition will be used to ensure that all of the units are fully Lifetime Homes compliant.

- 8.48 The scheme is acceptable in terms of provision of wheelchair accessible units and Lifetime Homes standards and therefore complies with London Plan policy 3A.5, Core Strategy policy SP02 and IPG policy HSG9.
- 8.49 **Amenity for future occupiers**
- 8.50 Standard of accommodation
- 8.51 London Plan policies 4B.1, Core Strategy policy SP10 and saved UDP policy DEV1 set out general principles of good design. London Plan policy 3A.6 seeks quality in new housing provision. UDP policy HSG13 requires new development to make adequate provision of internal residential space. Supplementary Planning Guidance: Residential Space sets minimum space standards for new development.
- 8.52 Internal floorspace
- 8.53 The Area Schedule within the submitted Design and Access Statement shows that in all cases the flats and maisonettes meet or exceed the internal space requirements of the adopted supplementary planning guidance.
- 8.54 Daylight/sunlight
- 8.55 The submitted 'Daylight and Sunlight Study (Within Development)', dated 5th July 2010, considers light levels within the proposed development. Windows on the ground and first floor only were tested, on the basis that if these rooms pass BRE requirements then so will those on upper floors. This reasoning is considered acceptable. The study shows that all rooms will receive sufficient natural light to pass BRE ADF targets, and therefore levels of internal lighting within the proposed development are considered acceptable.
- 8.56 Since the study was commissioned the western block has been moved in from the west edge of the site by 0.5m and provision made for a 1m high fence. This minor change is not significant enough to result in the need to revise the study.
- 8.57 Privacy
- 8.58 A key concern with the withdrawn scheme (PA/09/02521) was the inter-visibility between habitable rooms in the proposed blocks, which at the northern end of the site are separated by just 8m. This matter has been addressed by reworking the layout of the units in the western block so that no habitable rooms have windows in the east elevation facing towards the eastern block. Consequently there is now no direct overlooking between the proposed units and an adequate level of privacy is provided
- 8.59 The amended plans, which set the western block in from the west boundary by 0.5m and provide boundary fencing, ensure that the ground floor units of those blocks would not be unduly overlooked by people walking across the adjoining site.

8.60 Noise and Vibration

8.61 The application is accompanied by a Noise Assessment produced by SKM Enviros, dated 18th June 2010. This notes that the site predominantly experiences noise from movements of the adjacent Docklands Light Railway. The report further notes that with appropriate attenuation measures it is possible to attain an internal noise level at or below the relevant British Standard. A condition will be drafted and attached to the decision, if granted, to ensure such attenuation measures are incorporated into the development.

8.62 Residential Amenity Space

8.63 Saved UDP policy HSG16 requires that new development should make adequate provision of amenity space. IPG Policy HSG7 sets minimum space standards for the provision of private, communal and child play space in new developments. London Plan policy 3D.13 on the provision of child play space is also relevant.

8.64 IPG policy HSG7 states that ground floor family units (3-bed and above) should provide 50m² private amenity space and ground floor non-family units should provide 25m² private amenity space. On the upper floors family/non-family units should provide 10m² and 6m² private amenity space respectively.

8.65 The breakdown of units is as follows:

Category	HSG7 Policy Standard	Number of units	Policy Requirement (sq.m)	Proposed provision (sq.m)
Ground floor units with 3 or more beds	50	8	400	412
Ground floor units with less than 3 beds	25	1	25	0
Other one-bed units	6	2	12	14
Other 2 or more bedroom units	10	15	150	176
TOTAL		26	587	602

8.66 In overall terms the private amenity space provision complies with policy requirements. A more in depth look at the figures shows that some of the ground/first floor family maisonettes provide less than 50m² private amenity space and some provide well in excess of 50m². However, the larger social rented family units have the largest gardens and the shortfall below policy requirements for the smaller family units is on balance acceptable, particularly given the close proximity of Millwall Park.

8.67 One ground floor 2-bed flat and one first floor 2-bed flat provide no amenity space at all.

The originally submitted plans showed detached private amenity space areas for both of these units, however, the plans were amended at the request of Officers to remove these areas as they would have been remote from the properties, and in all probability would become neglected. Two further 2-bed units provide 7m² private amenity space, against a policy target of 10m². All other flats are provided with private amenity space that exceeds policy requirements.

- 8.68 On balance, given the larger family units have the largest private gardens and the close proximity to Millwall Park, the provision of private amenity space is considered adequate and to comply with the aims of saved UDP policy HSG16 and IPG policy HSG7.
- 8.69 Several letters of objection mentioned that the proposal provided insufficient child play space. IPG policy HSG7 requires development of 10 units or more to provide 50m² communal amenity space for the first 10 units, plus a further 5m² for every 5 additional units thereafter. Where 10 or more child bed spaces are provided 3m² child play space should be provided for every child bed space.
- 8.70 The communal amenity space proposed is set out below:

	LBTH Policy Requirement	Proposed within scheme
Communal Open Space	70 sq.m	270m ²
Child Play Space	60 sq.m	

- 8.71 The above figure of 270m² reflects the proposed soft landscaped communal areas within the development, discounting the paths and routes through the site. There is no specific area designated for child play space on the site, but this matter could be adequately dealt with in a landscaping condition.
- 8.72 Overall the provision of communal amenity space is in excess of IPG policy HSG7 and is considered acceptable.
- 8.73 **Impact upon amenity of neighbours**
- 8.74 Daylight and Sunlight
- 8.75 Policy SP10 of the Core Strategy and saved policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions. Policy DEV1 of the IPG states that development should not result in a material deterioration of sunlight and daylighting conditions for surrounding occupants.
- 8.76 The submitted 'Daylight and Sunlight Study (Neighbouring Properties)', dated 5th July 2010, considers the impact of the development on existing properties surrounding the development site.

- 8.77 Daylight is normally calculated by three methods – the vertical sky component (VSC), No Sky Line (NSL) and the average daylight factor (ADF). The submitted study shows that a small amount of neighbours will suffer from a very minor loss of light. Nevertheless, all affected rooms still meet BRE VSC, NSL and ADF targets. Given this compliance, the impact of the development on daylight to neighbouring properties is considered acceptable.
- 8.78 Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight). The submitted report demonstrates that all neighbouring windows and open spaces will receive sufficient sunlight to comply with BRE guidance.
- 8.79 The submitted study shows that the development will have a minor impact on some neighbours in terms of loss of light. However, the study also demonstrates that these losses do not exceed recommendations given in BRE guidance. Given the minor nature of the impact upon sunlight/daylight and the compliance with BRE guidance any impact is acceptable in terms of CS policy SP10, UDP policy DEV2 and IPG policy DEV1.
- 8.80 Overlooking/loss of privacy
- 8.81 Policy SP10 of the CS, saved UDP policy DEV2 and IPG policy DEV1 seek to protect residential amenity in terms of overlooking/loss of privacy.
- 8.82 A number of objections received mention that the development would overlook neighbouring properties. The proposed development would be located a minimum of 21m from No.1 Undine Road and 15m from Nos.1-8 Falcon Way, the closest properties to the development. Given the orientation of the proposed blocks and the reasonable separation distances, it is not considered that the proposal would have a material impact in terms of overlooking between habitable rooms.
- 8.83 The proposal is therefore considered acceptable in terms of overlooking and complies with CS policy SP10, saved UDP policy DEV2 and IPG policy DEV1.
- 8.84 Noise disturbance
- 8.85 Saved UDP policy DEV50 states that the Council will consider the level of noise from a development as a material consideration. Given that the proposal is wholly for residential use within a predominantly residential area, there would be no undue noise impacts arising from the proposed use
- 8.86 Some disturbance is inevitable during the construction phase of the development, however. A conditioning limiting work to standard hours will be included on the decision to ensure any such disturbance is not unreasonable.
- 8.87 **Transport Impact**
- 8.88 The site has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility. The site is located just 20m to the west of Mudchute DLR station, which offers good links to the rest of the Isle of Dogs, Canary Wharf and London generally.

- 8.89 National guidance on transport provision is given in PPG13: Transport. London Plan polices 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23. CS policy SP09 and IPG policies DEV16, DEV17, DEV18 and DEV19 (2007) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.90 Saved UDP policy T16 (1998) requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 (1998) seeks to ensure priority is given to the safety and convenience of pedestrians.
- 8.91 The application is supported by a Transport Statement and a Residential Travel Plan Framework produced by CampbellReith, both dated 15th June 2010.
- 8.92 Car parking
- 8.93 Many of the objectors to the application mentioned that the development should provide car parking spaces. In line with Council policy no car parking has been provided, but for one disabled bay to the north of the site. The developers will sign up to a S106 car free agreement if planning permission is granted preventing occupiers of the development from obtaining a car parking permit.
- 8.94 Several of the objectors mentioned that whilst car-free agreements are admirable in principal, they rarely function well in practice, as residents of 'car-free' developments often own cars and park illegally.
- 8.95 This is a matter best dealt with through enforcement. It is for the Council to control parking on the adopted highway of Spindriff Avenue, and the Clippers Quay Management Company to control parking on the privately owned Undine Road.
- 8.96 Given the location of the site, so close to Mudchute DLR, it is considered that a car-free development is appropriate for the site and would comply with CS policy SP09 and IPG policy DEV19.
- 8.97 Cycle Parking
- 8.98 The application proposed 40 cycle parking spaces. These are provided within the rear gardens of the residential dwellings, in the basement of each building and towards the north of the site. The precise type of stand has not been confirmed, but this matter can be adequately dealt with by way of condition.
- 8.99 The proposed cycle parking provision complies with London Plan policy 3C.22 and is considered acceptable.
- 8.100 Servicing/deliveries
- 8.101 There is no provision for the parking of servicing/delivery vehicles on the site. Therefore, servicing would have to take place from the surrounding highways network, as is the case in most locations. It is unlikely that vehicles would park on the bend of Spindriff Avenue, so the best place for servicing would be from the privately owned Undine Road.

- 8.102 Several objectors have mentioned that rights to use Undine Road for these purposes would not be given. However, no information has been provided to demonstrate that such use of Undine Road is not allowed, and regardless, this is a matter for the developer to agree with the owner of the road.
- 8.103 Servicing and deliveries from the surrounding road network are considered safe and acceptable in planning terms.
- 8.104 Impact on local transport infrastructure
- 8.105 The proposal is only for 26 residential units and it is not considered it would have any undue impact upon the capacity of the local road or public transport networks.
- 8.106 **Other planning matters**
- 8.107 Air quality
- 8.108 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The application has been accompanied with an Air Quality Assessment prepared by ACCON UK, dated 23rd June 2010. The study considers these potential impacts.
- 8.109 The study concludes that development of the site should not be constrained by air quality matters. Given the site is in an existing residential area, it is not considered there are likely to be air quality problems with the development. Any excessive dust or debris during the construction phase can be controlled by conditioning a construction management plan.
- 8.110 Biodiversity
- 8.111 Several objectors mentioned that many different species of bird are found locally, along with foxes and bats. The submitted Ecology Survey, dated 29th June 2010, states that a bat survey should be undertaken before work at the start commences. It is considered this matter can be adequately dealt with by way of condition, and appropriate action taken if/when bats are found on site.
- 8.112 The application proposes a green and brown roof. It is considered that the green and brown roof will maintain the ecological value of the application site and the surrounding area and therefore accords with London Plan policy 3D.14.
- 8.113 Renewable Energy and Energy Efficiency
- 8.114 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation.
- 8.115 The proposals aim to reduce carbon dioxide emissions by 28.64%. Air Source Heat

Pumps and photovoltaic panels are proposed to help the development achieve Code for Sustainable Homes Level 4. Conditions will be attached to ensure Code 4 is achieved.

8.116 Flood Risk

8.117 The site is located within flood zone 3. The application has been accompanied by a Flood Risk Assessment produced by Hyder, dated 25th June 2010, which the Environment Agency were consulted on.

8.118 Amongst the measures taken to prevent flood risk are setting the ground floors of the proposed buildings at or above 3.56 AOD and inclusion of a green roof. The Environment Agency has no objections to the scheme, subject to conditions, which will be included on the decision notice.

8.119 Subject to the relevant conditions the proposal complies with advice given in Planning Policy Statement 25: Development and Flood Risk, London Plan policies 4A.12 and 4A.13, saved policies U2 and U3 of the adopted Unitary Development Plan and policy DEV21 of the Council's Interim Planning Guidance and is considered acceptable.

8.120 S106 Contributions

8.121 Policy SP13 of the Core Strategy, policy DEV4 of the adopted UDP and Policy IMP1 of the Tower Hamlets Core Strategy and Development Control Plan September 2007 say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

Section 122 of the Community Infrastructure Levy Regulations 2010 states that any s106 planning obligations must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as education, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

The proposed heads of terms are:

8.122 Financial contributions

- a) A contribution of £148,300 towards mitigating the demand for local primary school places.
- b) A contribution of £47,342 towards mitigating the demand for local open space.
- c) A contribution of £27,622 towards leisure facilities in the borough.
- d) A contribution of £ 6,136 towards library facilities in the borough.

8.123 Non-financial contributions

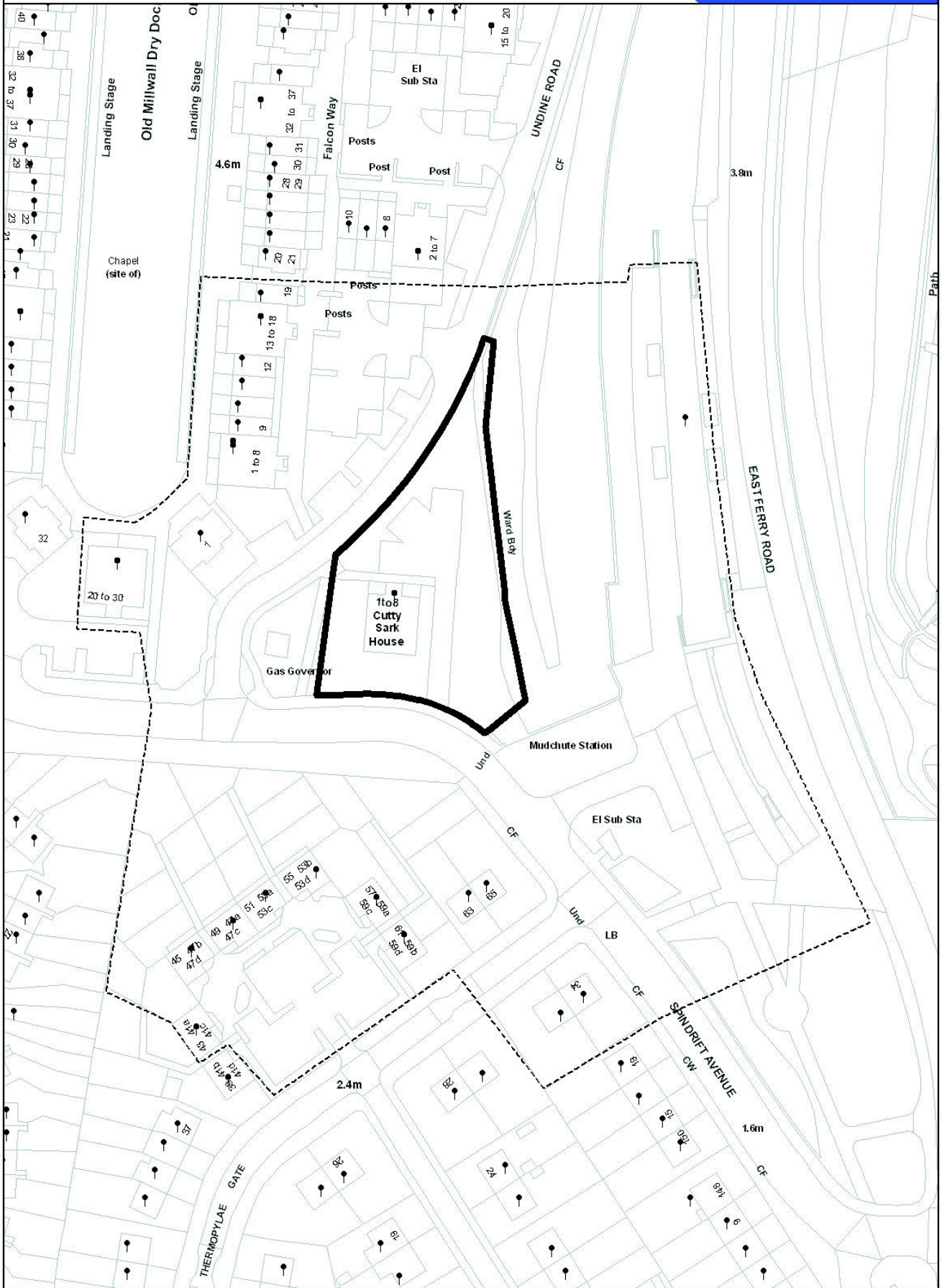
- 8.124 a) Twenty-six units (100% of the development) is secured as affordable housing, with a tenure split of 63% social rent to 37% intermediate in terms of habitable rooms.
b) 100% of development to be car free.
- 8.125 Objections to the application have been received stating that the development would put an unacceptable strain on local infrastructure. However, it is considered that the above contributions would sufficiently mitigate any such impact.
- 8.126 For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the tests in the Community Infrastructure Regulations 2010.
- 8.127 **Other matters**
- 8.128 Designation as Metropolitan Open Land
- 8.129 Several objections received mentioned that the site should be designated as Metropolitan Open Land. At present it is not designated as such, and this application must be determined on the current designation. Furthermore, as set out in policy 3D.10 of the London Plan, for a parcel of land to be designated as Metropolitan Open Land, it must satisfy the following criteria:
- Contributes to the physical structure of London by being clearly distinguishable from the built-up area;
 - Include open air facilities, especially for leisure, recreation sport, arts and cultural activities and tourism which serve the whole or significant parts of London;
 - Contain features of historic, recreational, nature conservation or habitat interest, of value at a metropolitan or national level;
 - Form part of a green chain and meets one of the above criteria.
- 8.130 The site is separated from Mudchute Park and Farm by the DLR line, so does not form part of a green chain, and is simply not large enough or used in a way that would warrant inclusion in the first three categories.
- 8.131 For this reason it is not considered that significant weight can be given to possible future designation of the land as Metropolitan Open Land.
- 8.132 Parliamentary Undertaking on part of the site
- 8.133 A large number of objections received mentioned that there is a Parliamentary Undertaking on the site stating that when the DLR was extended a strip of land to the east of the site was to be landscaped. The objectors feel that this obligation has never been fully discharged.
- 8.134 When dismissing the previous appeals on this site, the Inspector noted that *'the status of the DLR undertaking to the Council is a matter that both parties accept as being*

satisfactorily resolved and thus not material to the consideration of these appeals'. It remains the case that the matter has been resolved to the satisfaction of the Council, and it can be afforded only little weight during the consideration of this application.

8.135 **Conclusions**

- 8.136 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:1,250
 Consultation Area	 Statutory Listed Buildings	 0 30 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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Agenda Item 7.4

Development Committee	Date: 10 ^h November 2010	Classification: Unrestricted	Agenda Item No: 7.4
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shay Bugler		Ref No: PA/10/1479	
		Ward(s): Weavers	

1. APPLICATION DETAILS

- 1.1 **Location:** Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ
- Existing Use:** Residential
- Proposal:** Erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building.
- 1.2 **Drawing Nos:**
- Design and access report by PH+ Architects dated July 2010
 - Impact Statement by PH+ Architects dated July 2010
 - Daylight & sunlight report by Building Research Establishment Ltd dated 2008 & 2010
 - Drawing numbers: 2(01)01; 2(02)20; 2(02)01; 2(03)00; 2(03)01; 2(04)00; 2(04)01; 2(04)02; 2(12)00; 2(12)01; 2(12)02; 2(13)00; 2(13)01; 2(14)00; 2(14)01; 2(14)02; 2(19)00; 2(19)01; 2 (27)00 Rev A
- Applicant:** PH+ Architects
Owner: Event Investments Ltd
Historic Building: N/A
Conservation N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy Development Plan Document (2010); Unitary Development Plan (1998), Interim Planning Guidance (2007), associated supplementary planning guidance and Government Planning Policy Guidance and found that:
- The building height, scale, bulk and design is acceptable and in line with policies SP02 & SP10 of the adopted Core Strategy (2010); DEV1 of the Council's Unitary Development Plan (1998) & policy DEV2 the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design and suitably located.
 - The proposal does not result in an undue loss of daylight and sunlight or loss of privacy to surrounding properties. The proposal therefore complies with the requirements of policy SP10 of the adopted Core Strategy (2010); DEV2 in the Unitary Development Plan 1998 and DEV1 in the Interim Planning Guidance (2007) which seeks to protect the amenity of adjoining residential occupiers.

3.0 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to:

The prior completion of a legal agreement to secure the following planning obligations:

- 1) car free agreement
- 2) Future occupiers to have access to the off street cycle storage area

3.2 Any other planning obligations (s) considered necessary by the Corporate Director of Development & Renewal

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

- 1) 3 year time limit
- 2) Details of materials to be submitted and approved
- 3) Development to be built in accordance with the approved plans
- 4) Maintenance of the ivy cladding
- 5) Hours of construction
- 6) Construction Management Plan to be submitted and approved and implemented prior to commencement
- 7) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 3.4
- 1) Associated Section 106 'car free' agreement
 - 2) Adequate arrangement of construction works (contact Building Control)
 - 3) Any other informative(s) considered necessary considered by the Corporate Director Development & Renewal

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The proposal is for the erection of a 2 x 2 bedroom duplex residential unit on the roof space of an existing 4 storey building. It is proposed to locate the living /dining rooms on the lower floor and the bedrooms on the upper floors of the duplex units.

4.2 When the development is constructed, it is proposed to clad the solid concrete external walls with metal material. A fully pre grown ivy plant screen would then be attached to most of the metal cladding and would visible on the external face of the development.

4.3 The application is based on similar principles as the previously consented scheme for the site (ref no: PA/08/1400). The key difference between the extant permission and subject scheme are as follows:

Consented	Proposed
The consented scheme was for two residential units comprising 1 x 1 bed & 1 x 2 bed.	The subject proposal is for two units comprising 2 x 2 bed units
The overall volume of the consented scheme was 407m ³	The proposed volume of the subject proposal is 490m ³ .
The area of the two consented units was 63m ² and 55m ² respectively.	The area of the two proposed units are 73 m ² and 85 m ² respectively.
The consented development made provision for 37sqm of private amenity space for the 2 units (15m ² & 22m ² of private amenity space for the respective two units).	The subject proposal makes provision for 15.6 sqm of private amenity space (7m ² and 8.6m ² of private amenity space for the respective 2 bed units).

- 4.4 The extension of the existing shared stairway at 52 Florida Street would provide access to the proposed units.

Site and surroundings

- 4.5 The subject site is located on the roof space of an existing 4 storey building at the corner of Squirries Street and Florida Street. The immediate surrounding buildings are occupied by residential and live/work uses. The adjoining properties to the south and west of the site comprise of two storey buildings with pitched roofs. A health centre is located to the east of the site which comprises of a single storey building with a pitched roof. Opposite the site to the north is a 6 storey residential development (known as Johnson House). The site is not located within close proximity to any listed buildings and not located within a conservation area. The surrounding area is predominantly characterised by residential development.
- 4.6 The site a Public Transport Accessibility Level (PTAL) of 5 (where 1 is poor and 6a is high) which means it is highly accessible by public transport where 1 is poor and 6a is high. It is located within close proximity to Bethnal Green Road, a main artery consisting of mainly commercial premises but providing easy links within the wider city. A wide number of bus routes (for example the N8, 388 & D3) serve the local area well. In addition, Liverpool street, Old street, Bethnal Green and Shoreditch stations are all located within approximately 15 minute walking distance from the site.

Relevant Planning History

- 4.7 The following planning decisions on this subject site are relevant to the application:
- PA/10/262 A planning application was withdrawn on 25/06/2010 for the erection of 2 x two-bed duplex residential units to the top of an existing four-storey flatted building.
- PA/08/1400 Planning permission was approved on 24/03/2010 for the erection of a two storey roof top development to provide 2 residential units (1 x 1 bed and 1 x 2 bed).
- PA/08/174: Planning permission was withdrawn on 08/04/2008 for the erection of two additional storeys providing 2 x 2 bedroom flats.
- PA/06/295: Planning permission was approved on 7th March 2007 for the erection of single storey roof extension to provide 2 x 1 bedroom flats.

5.0 POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for

Determination” agenda items. The following policies are relevant to the application:

5.2 Spatial Development Strategy for Greater London (consolidated London Plan 2008)

Policies	3A.1	Increasing London’s supply of housing
	3A.3	Borough housing targets
	4A.11	Living roofs and walls
	4B.1	Design principles for a compact city
	4B.2	Promoting world class architecture and design
	4B.6	Sustainable Design and construction

Adopted Core Strategy Development Plan Document (2010)

S09	High quality sustainable housing
SP02	Urban living for everyone
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP09	Making connected places
SP10	Creating distinct and durable places
SP11	Energy
SP12	Delivering place making

5.3 Unitary Development Plan (1998) (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV56	Waste Recycling
	HSG13	Standard of Dwelling
	HSG16	Amenity

5.4 Interim Planning Guidance for the purposes of Development Control (2007)

Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV 15	Waste and recycling storage
	HSG17	Amenity
	CP31	Biodiversity

5.5 Planning Standards

Planning Standard 1: Noise

5.6 Supplementary Planning Guidance/Documents

- Design Out Crime
- Sound Insulation
- Residential Space

5.7 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG3	Housing

5.8 **Community Plan** The following Community Plan objectives relate to the application:

A better place for living safely

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

6.2 LBTH Highways

- The applicant should enter into a car/permit free agreement whereby future occupiers of the residential units are prevented from obtaining resident parking permits.

(Officers comment: The applicant would be required to enter into a car/permit free agreement. This would be secured in the Section 106 Agreement).

- The footway and carriageway on the surrounding highway must not be blocked during the construction and maintenance of the proposed development.
- No skips or materials shall be kept on the footway or carriageway on the surrounding highway at any time during construction.
- All construction vehicles should only load/unload/park at locations and within the times permitted by existing on-street restrictions.

(Officers comment: The applicant would be required to submit a Construction Management Plan. This would be secured by way of condition).

6.3 LBTH Environmental Health

- Construction hours should be restricted to 8am-6pm Monday to Friday; 8am-1pm and Saturday and no work on Sundays and bank holidays

(Officers comment: The above construction hours would be secured by way of condition)

- An acoustic report examining the noise impact of the proposed development should be submitted to ensure the building design and construction provides reasonable resistance to sound from other parts of the same building.

(Officers comment: It is considered that an acoustic report is not required as the proposed residential use is compatible with other residential live/work use. Noise mitigation measures would be dealt with by building control regulations).

6.4 LBTH Daylight and Sunlight officer

- The submitted daylight and sunlight report demonstrates that the development would have no impact on the neighbouring properties or itself.

6.5 LBTH Cleansing

The applicant should provide details of the existing refuse/recycling storage facilities be assessed.

(Officers comment: The applicant has provided a plan showing the location of the existing bin store and the proposed separate refuse and recycling bin storage areas. This is considered to be acceptable).

7.0 LOCAL REPRESENTATION

7.1 A total of 116 neighbouring properties within the area shown on the map appended to this report were notified of the application and invited to comment. The application has also been publicised in East End Life and on site. The following representations were received from neighbours and local groups in response to notification and publicity of the application.

No of individual responses: 7 Objecting: 6 Supporting: 0
No of petitions received: 1 objecting containing 26 signatories

The following issues were raised in the representations that are material to the application and they are considered in the next section of this report.

7.2 Employment

- The proposal results in the loss of employment floorspace.

(Officers comment: The proposal does not involve the change of use of an existing employment use or demolition of an existing employment use. As such, the proposal does not result in the loss of employment generating floorspace).

7.3 Density

- The proposal would result in overdevelopment of the site.

(Officers comment: Typically high density schemes may have an unacceptable impact on the following:

- access to sunlight and daylight
- loss of privacy and outlook
- lack of good quality amenity space
- increased sense of enclosure
- increased traffic generation

The proposal does not present any of the above symptoms of overdevelopment. Although there is a minor deficiency in the quantum of private amenity space, the quality of amenity space is acceptable. This is discussed further in sections 8.10-8.11).

7.4 Design

- The proposed ivy cladding is not an appropriate material as it is difficult to maintain.
- The overall design would fail to enhance the site.

(Officers comment: Design matters and the proposed ivy cladding are discussed in sections 8.5-8.9 of the report).

7.5 Access

- There is no disabled access for visitors or tenants.

(Officers comment: There is no planning policy requirement to provide wheelchair access to this development. Notwithstanding, each of the duplex units has been designed to allow a clear width of 900mm between the stair wall and handrail to allow a stair lift to be retrospectively fitted if required).

7.6 Amenity

noise

- The proposed development would generate unnecessary noise and would be disruptive to nearby residents who work from home.

(Officers comment: It is considered that the proposal would not result in undue noise disruption to surrounding residents. Hours of construction would be restricted to ensure residential amenity to surrounding properties is adequately protected. Moreover, residential and live work uses are compatible in land use terms and can co exist without generating unacceptable noise disturbance).

7.7 Daylight and sunlight

- The proposal would result in the loss of daylight and sunlight to adjoining properties
- The proposal would result in the loss of privacy and overlooking to adjoining properties
- The proposal would result in direct overlooking to property to adjoining properties.

(Officers comment: Amenity matters are considered in sections 8.13- 8.21 of the committee report.

7.8 Increase waste in the area

- The proposal would increase the amount of waste in the area.

(Officers comment: As noted in section 6.5 of the report, the applicant has provided a plan showing the location of the existing bin store and the proposed separate refuse and recycling bin storage areas which are considered to be acceptable).

7.9 Housing

- The proposal does not provide affordable housing.

(Officers comment: The applicant is not required to provide affordable housing on site. Developers are only required to provide affordable housing when 10 or more units are proposed).

7.10 Structural implications

- The proposal would disrupt the party wall membrane and is not structurally sound.

(Officers comment: The structural soundness of the existing building to accommodate the proposed roof extension is not a planning policy consideration. It is a matter to be dealt with by Building Regulations).

7.11 Other representations received

- The freeholder is not equipped to adequately maintain the existing contracts with residents at 52 Florida Street.
- The proposal would decrease the value of properties to surrounding properties.
- The proposal would amount to a non viable commercial structure.

7.12 All objection letters are available for members to view at the committee meeting.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land use
2. Design
3. Amenity
4. Transport
5. Sustainability

Land use

8.2 The application site has no specific land use designation identified within the Unitary Development Plan (1998) (as saved September 2007) ("UDP") or Interim Planning Guidance FOR THE PURPOSE OF Development Control (2007) ("IPG").

8.3 In accordance with policies SP02 of the adopted Core Strategy, the Council seeks the maximum provision of additional housing in the borough. This policy notes that the Council seeks to *"deliver approximately 43, 275 new homes (equating to 2, 885 per year) from 2010-2025 in line with the housing targets set out in the London Plan"*. In addition, the Council's Housing Strategy (2009-2012) provides detailed information on the Council's Housing needs, including the requirement to provide high quality housing in the borough. On the basis of housing targets, it is considered that the site is appropriate for residential development.

8.4 The character of the area is increasingly residential and the site is located close to good transportation links, good access to public open space directly opposite the site on Florida Street and located within close proximity to a local shopping parade on Bethnal Green Road. It is considered that the proposal would provide for valuable city fringe residential accommodation to the area.

Design

8.5 Policies SP02 & SP10 of the Core Strategy seeks to ensure that developments are designed to the highest quality standards and incorporates principles of sustainable design. These principles are also reflected in policies DEV1 of the UDP and DEV 2 of the IPG. The policies indicate that development should be attractive, durable and respect the local context and townscape including the character, bulk and scale of the developments in the surrounding area.

8.6 There is no single local vernacular which characterises the area. The general street scene provides for a variety of design, forms and massing. The buildings in the immediate area range from 2 to 6 storeys in height and primarily articulated in brick and/or render cladding. Given its prominent corner site location, the proposed height, scale and bulk of the proposal is acceptable. Moreover, the proposed contemporary and innovative design would add positively to the appearance of the site and the surrounding area. Importantly, the principle of a roof extension has already been approved on site in the previous planning consent as noted in section 4.7 of the report.

8.7 As noted in sections 4.2 of the report, the materials proposed to the external face of the proposal include metal cladding and attached to this cladding is a fully grown ivy screen. It is considered that the materials would add to the visual interest of the site. The applicant would be required to submit full particulars of the proposed materials (fenestration details, ivy screen & metal cladding)

to be approved prior to the commencement of work on site. In addition, the applicant would be required to maintain the ivy screen at all times to ensure that the external appearance is acceptable. This would be secured by way of condition.

- 8.8 The proposed bedrooms are located on the lower floors and living/dining area on the upper floors of the duplex units. The openings on the elevations allow for views out of windows and all habitable room sizes meet the Councils minimum room size standards and would receive good levels of daylight. As such, it is considered that the internal amenity value of both units is acceptable and in accordance with HSG13 of the UDP which seeks to ensure that all new housing development has adequate provision of internal residential space in order to function effectively.
- 8.9 Overall, the proposed extension is considered to be acceptable to the surrounding buildings and streetscape in accordance with SP02 & SP10 of the adopted Core Strategy (2010); policy DEV1 in the UDP & DEV2 in the IPG which seeks to ensure developments are of good design quality and contribute positively to the surrounding area.

Amenity

Private amenity space

- 8.10 Policy SP02 of the adopted Core Strategy & policy HSG 16 of the UDP stipulate that new developments should include adequate provision for private amenity space. Policy HSG17 of the IPG sets out the minimum provision for private amenity space. The policy outlines that a 2 bedroom unit should make provision for 10sqm of private amenity space.
- 8.11 The two proposed units make provision for 7m² & 8.6m² of private amenity space. The proposal falls below the Councils standards by 30% and 14% respectively. Notwithstanding, officers consider that the proposed private amenity space is acceptable as the external terrace areas provide good quality space and receive good quality daylight and sunlight. Future occupiers would also enjoy good outlook from the terrace areas. On balance, it is considered that the deficiency in the quantum of private amenity space is offset by the quality of the amenity space provided on site and the increase in internal area. Officers consider that a reason for refusal based on the quantum of private amenity space provided could not be sustained.

Daylight & Sunlight

- 8.12 Policy SP10 of the adopted Core Strategy seeks to protect residential amenity and “*promotes well being (including preventing loss of privacy and access to daylight and sunlight)*”.
- 8.13 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.14 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.15 A Daylight and Sunlight assessment has been prepared by Building Research Establishment Limited (BRE consultants) and accompanies this application.
- 8.16 The Vertical Sky Component test was undertaken to assess the impact the proposal has on daylight levels to nearby properties.

- 8.17 The percentage of the sky visible from the centre of a window is known as the Vertical Sky Component. This involves using a skylight indicator, which calculates the Vertical Sky Component at the centre point of each affected window. Diffuse daylight will be adversely affected if after a development is completed, the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.
- 8.18 Objections were received from residents on the grounds that the proposal would result in loss of daylight at 52 Florida Street. The Daylight assessment confirms that the live work units at flats no's A, B, C, D, E, F, G (or 1), H (or 2), J (or 3), K or 4), L (or 5) & M (or 6) at 52 Florida Studio's pass the VSC tests. These flats are within the immediate vicinity of the subject site. Given that all the units immediately to the south and west of the site pass the VSC tests, the proposal would not result in an undue loss of daylight and sunlight to other nearby properties. The Council Environmental Health officer has confirmed that the development will not have an adverse impact on neighbouring properties or on the development itself.
- 8.19 The proposal adequately complies with BRE guidelines, policy SP10 of the Core Strategy; policy DEV 2 of the UDP & DEV 1 of the IPG which seeks to protect residential amenity against undue loss of daylight and sunlight.

Overlooking

- 8.20 Objections were received on the grounds that the proposal would result in overlooking to surrounding properties to the west and south of the site. There are no windows proposed on the lower floors of the duplex units on the southern and western elevations. In addition, a solid wall of 2.7 metres in height is proposed to the western and southern elevations behind the ivy screen. This would ensure that there is no direct overlooking from the lower floor external decking areas to the west and south of the proposed development.
- 8.21 There are windows proposed on the western and southern elevations on the upper floor elevations. However, the windows to bedrooms on the western elevation are set back approximately 2.5 metres from the boundary of 52 Florida Street. Given this separation distance and angle of the windows, the proposal would not result in directly overlooking to the habitable rooms or private amenity space to adjacent properties. The proposal therefore adequately complies with policies SP10 of the Core Strategy; DEV 1 of the IPG and DEV 2 of the UDP which seeks to protect privacy of residents.

Transport

- 8.22 The proposed site has a Public Transport Accessibility level of 5 which means it is in an area with very good transport accessibility. As noted in section 4.6 of this report, a wide number of bus routes including 388, N8 & D3 serve the local area well. In addition; Liverpool Street, Old Street, Bethnal Green and Shoreditch High Street stations are all located within 15 minute walking distance from the site.
- 8.23 No on-street or off street car parking is proposed. The proposals therefore represent a car free development. Off street parking has reached saturation level and it is recommended that any grant of permission is subject to a section 106 'car free' legal agreement.

Cycle parking

- 8.24 Planning Standard 3: Parking of the IPG sets out the requirement for cycle parking spaces for new development. The policy requirement is 1 cycle space per residential unit. There are no cycle parking spaces proposed on site. The applicant has advised that the owner/freeholder of the proposal site is also the owner/freeholder of the existing car park which includes a cycle storage

area located behind the building. The applicant also notes that future occupiers would have access to this off street cycle store area. This matter would be secured in the Section 106 Agreement.

Sustainability

Biodiversity

- 8.25 As well as introducing visual interest to the area, the proposed use of the ivy screen attached to the metal cladding has the added value of introducing biodiversity benefits to the site. SP04 of the Core Strategy seeks to: “*promote and support new development that provides green roofs, green terraces and other measures to green built environment*”. In addition, the borough seeks to: “*ensure development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity*”

The proposal provides a high quality eco friendly environment for the following reasons:

- Ivy is an evergreen plant that will provide a year round green screening. Ivy also provides a valuable year round habitat for wildlife.
 - Ivy provides good nesting environments and berries for birds, especially during winter. Redwings, wood pigeons, collared doves, robins and black caps birds all feed on these.
 - The creation of a green vertical garden brings a number of environmental and ecological benefits including; control of air humidity; filtration of dust and pollutants; rainwater retention therefore reducing water run off; reducing the heat island effect; aiding biodiversity and creating a natural habitat for plants and birds.
- 8.26 As such, the proposal adequately complies with policy SP04 of the Core Strategy which seeks to enhance opportunities for biodiversity.

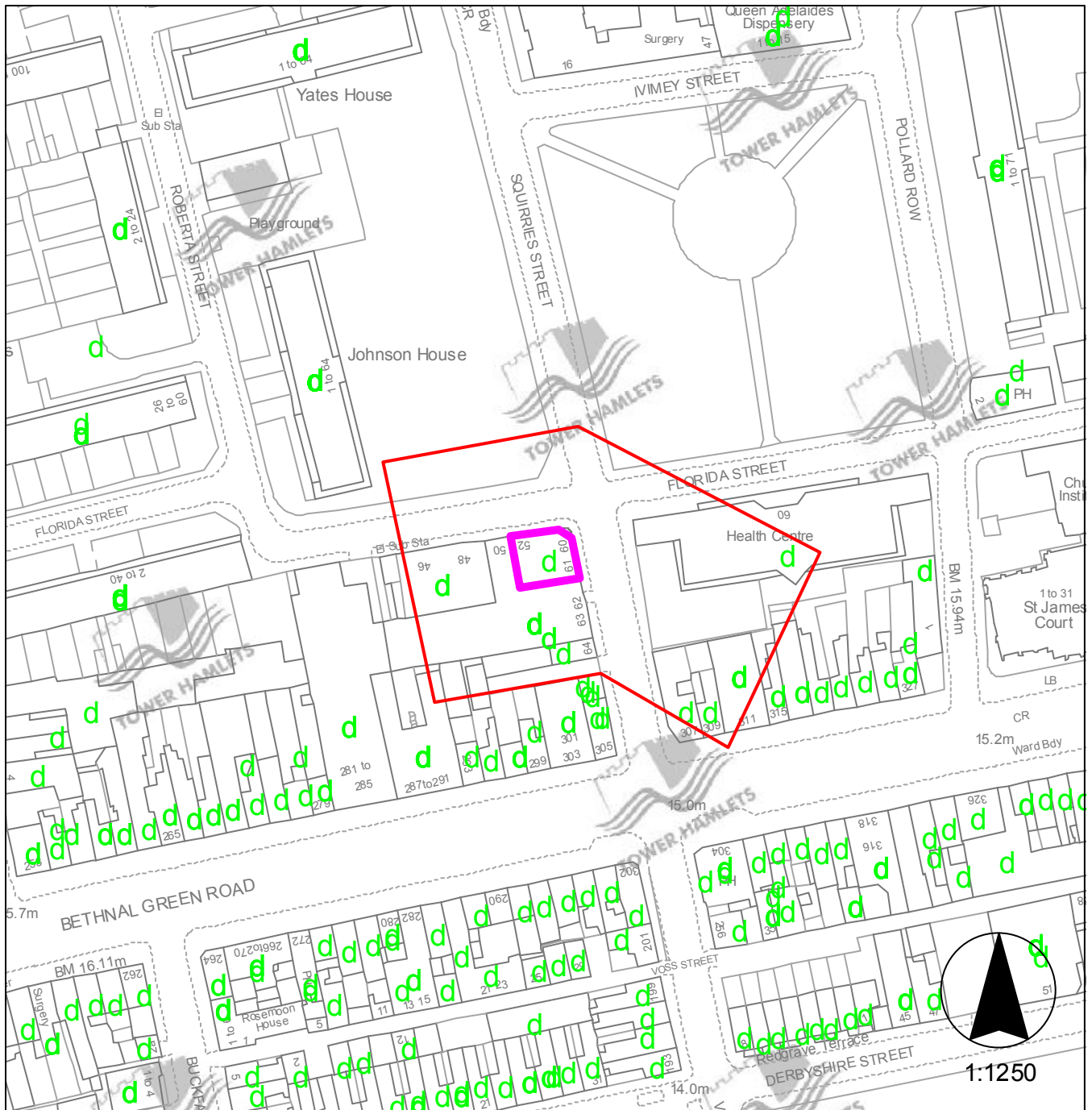
Climate change

- 8.27 Policy SP11 of the Core Strategy seeks to ensure the built environment adapts to the effects of climate change and notes that climate change will affect the borough in a number of ways and adaptations required to address these effects include providing new green open spaces and greening of the built environment.
- 8.28 It is considered that the integration of a green ivy screen in this development is beneficial towards mitigating climate change and enhancing biodiversity. The proposal therefore accords with policy SP11 of the Core Strategy.

9.0 Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map

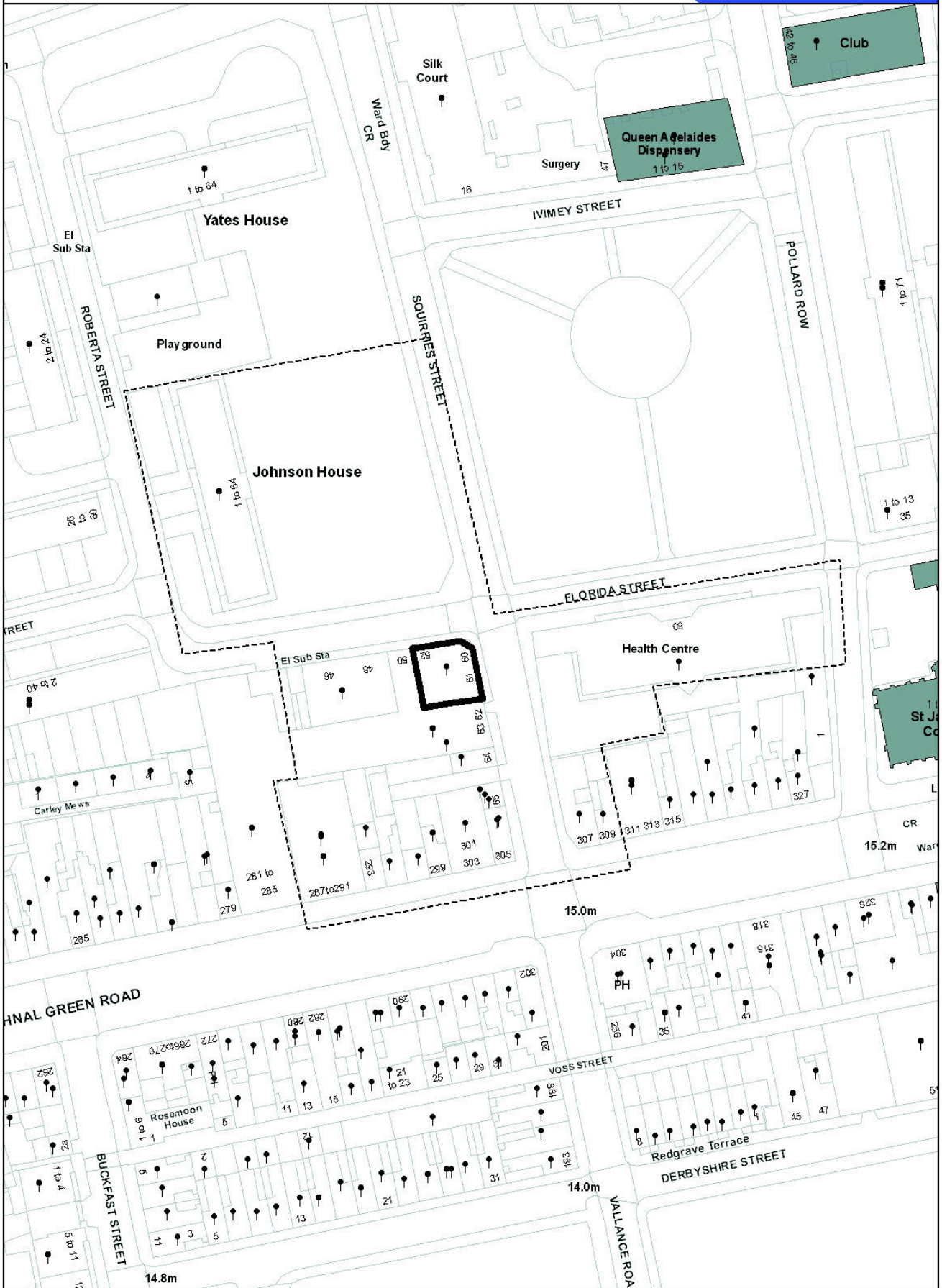


Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Planning Application Site Map



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings			

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Agenda Item 7.5

Committee: Development	Date: 10th November 2010	Classification: Unrestricted	Agenda Item Number: 7.5
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Report of: Director of Development and Renewal	Title: Town Planning Application and Listed Building Consent
Case Officer: Beth Eite	Ref No: PA/10/01683
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location:	Christchurch Primary School, 47A Brick Lane, London, E1 6PU
Existing Use:	Primary School
Proposal:	Remodelling, restoration and extension to existing primary school including the provision of 6 classrooms, a full size main hall, full service kitchen, group rooms, meeting rooms, staff rooms and storage.
Drawing Nos:	03.08.2010, A001, A061, A062, A010, 01, A151, A310, A208, A206, A050, A160, A060, A161, A120, A121, A150, A122,
Documents:	Design and access statement Conservation Management Plan, Consultation report, Arboricultural Tree Report, Mechanical electrical and public health scheme design report stage D, BB93 Acoustic design report stage D, Structural condition and design appraisal report
Applicant:	Trustees of Christ Church Spitalfield C of E Primary School
Ownership:	Applicant
Historic Building:	Grade II Listed
Conservation Area:	Fournier Street/Brick Lane

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (as saved September 2007), the Council's Interim Planning Guidance for the purposes of Development Control (2007), the adopted Core Strategy (2010), associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:

- 2.1 The proposal seeks to alter and extend the existing school to provide additional education space. It is considered that the proposal is acceptable in land use terms and would be in accordance with policies 3A.18 and 3A.24 of the London Plan 2008 (Consolidated with Alterations since 2004) (London Plan) and SP07 of the adopted Core Strategy 2010 which seeks to improve and expand existing primary and secondary schools.
- 2.2 The design and layout of the proposal would improve the internal arrangement of the school,

allowing disabled access to parts of the school that are currently inaccessible, would allow for the onsite cooking of school meals and would not lead to any reduction in the recreation space available to pupils which is in accordance with policies DEV1 and EDU7 of the Unitary Development Plan 1998 (as saved September 2007), DEV2, DEV3 and SCF2 of the Interim Planning Guidance for the purposes of Development Control (2007) and SP07 of the adopted Core Strategy 2010

- 2.3 The extension and alterations to the Grade II listed building are considered to in part preserve the historic character of the building and in part enhance. The restoration of the hall and main rear window are considered to enhance and with the appropriate use of the materials the extension to the courtyard is considered to preserve the building. The other internal alterations are minor in nature and would have no significant impact upon the fabric and integrity of the listed building. The extension is also considered to preserve the appearance of the Brick Lane and Fournier Street conservation area in accordance with policies DEV37 of the Unitary Development Plan 1998 (as saved September 2007), CON1 and CON2 of the Interim Planning Guidance for the purposes of Development Control (2007) and SP10 of the adopted Core Strategy (2010).
- 2.4 The proposed extension is considered to be a sufficient distance away from any neighbouring residential properties to mitigate any direct impacts in terms of a loss of privacy of light. The increase in pupil numbers are not considered to have any significant impact upon the surrounding residents due to the nature of this busy location and any potential impacts from the mechanical equipment required for the kitchen can be suitably dealt with by the imposition of planning conditions in accordance with policies DEV2 of the Unitary Development Plan 1998 (as saved September 2007) and DEV1 of the Interim Planning Guidance for the purposes of Development Control (2007).

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission and listed building consent
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission to secure the following matters:

3.3 Conditions for full planning application

1. Time Limit – three years
2. Development to be carried out in accordance with the approved plans
3. Ventilation details/ extraction system details/location of the flue
4. Contaminated Land
5. Archaeological watching brief on the development when all excavation of footings or other below ground works take place
6. No construction or storing of materials within the root protection area of the trees.
7. Construction management plan
8. Construction Hours (8am – 6pm Monday to Friday, 9am – 1pm Saturday only)

3.4 Informatives

1. This planning application should be read in conjunction with listed building consent PA/10/01684

3.5 Conditions for listed building consent

1. Time limit
2. Development to be carried out in accordance with the approved drawings

3. Materials to be submitted

3.6 Informatives

1. This Listed Building Consent should be read in conjunction with planning application PA/10/01683

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks planning permission and listed building consent for a two storey infill extension to the courtyard on the northern side of the school. It would provide an additional classroom at ground floor and a kitchen at first floor.
- 4.2 The extension would be constructed out of London yellow stock brick, would have a pitched roof that is hipped on both sides. The ridge height would be slightly lower than the most recent extension at the rear of the building, however the eaves would be in line. The window arrangement and exposed steel lintel have been brought through from the building behind.
- 4.3 A flat roof section would connect the existing building to the extension and rooflights in the flat roof would provide light to the first floor corridor.
- 4.4 Internally, works involve restoring the hall back to its original proportions along with restoration of the central window which would now be visible from inside the school (previously partly obscured by the lower flat roof extension of the 1940s extension). A new passenger lift to make the school more accessible is also proposed.
- 4.5 Other internal works involve improving openings in a number of locations such as allowing direct access between the kitchen and the servery and creating full size classrooms where there are currently undersized teaching rooms, these are as follows:
- The first floor of the 1940's extension would see two undersized classrooms converted into one full sized classroom and one food science room.
 - The first floor of the 1980's extension would provide one full sized classroom and a group room where there are currently two undersized classrooms.
 - On the ground floor of the 1980's extension two undersized classrooms would be turned into one full sized classroom and pupil toilets.
 - There are also minor alterations to the original school building including the creation of staff room with shower facilities and group rooms.

Site and Surroundings

- 4.6 The application site relates to Christchurch Primary School located on the western side of Brick Lane. The school is Grade II listed and positioned within the Fournier Street and Brick Lane conservation area. Christ Church itself is located at the western end of the site and has an associated garden to the south 'Christchurch gardens' the church itself is Grade I listed.
- 4.7 Christ Church Primary School was built in 1873-4 and designed by architects James Tolley and Robert Dale in a mix of the Gothic and Tudor styles - in a typical Victorian red brick with a blue brick diapering pattern, all under steep slate roofs. Its got a U-shaped frontage set back from Brick Lane with substantial and interesting railings to this frontage. Originally, as built, the centre section of the building of two storeys and half-dormered windows was set over an open arcaded covered playground (designed not to disturb earlier existing graves on

the site, from Christ Church Grave Yard). The projecting wings each side were for the resident school master and school mistress. All this arrangement has now changed, the arcade being infilled with glazing and the associated playspace incorporated into the school, as well as the former residences, and the building extensively extended to the rear at various dates.

- 4.8 The school currently provides education for children aged 3-11, with 21 places at the nursery and 163 children at the school. The school is currently operating below its capacity, and in addition many of the classrooms fall below the standard set out in Building Bulletin 99 which is a government document providing guidance on current educational accommodation standards. Given the small size of the school there is no capacity to cook hot lunchtime meals on site.
- 4.9 The school has been extended a number of times, the building at the front of the site remains original, the later additions are further into the site with the adding of classrooms in the 1940s at the rear of the main building which currently comprises of two classrooms at ground and first floor level. The second main addition was in the 1980s and was also a two storey extension beyond the 1940's one.
- 4.10 To the south of the school site is a high brick boundary wall which separates the school from the Seven Stars Public House yard. Beyond this area are residential properties on Fournier Street.

Planning History

- 4.11 The following planning decisions are relevant to the application:

PA/03/00789	Alterations and refurbishment to a Grade II listed building – Approved 21/08/03
PA/03/01259	Construction of a veranda to south side of nursery (rear of school) Approved 1/12/03
PA/07/01562	Erection of a new environmental centre in existing courtyard. Alterations to external façade including new doors and windows to front elevation. Approved 8/8/07
PA/07/02950	Erection of a wooden building for use as an office and storage area for school staff. Approved 3/1/09
PA/08/02529	Construction of a single storey shelter play structure within the school playground. Approved 20/1/09.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP07	Improving education and skills
	SP10	Creating distinct and durable places
	SP12	Delivering placemaking

Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV14	Tree Preservation Orders
	DEV37	Alteration of listed building
	DEV51	Soil tests
	EDU7	Loss of school play space

Interim Planning Guidance for the purposes of Development Control (2007)

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV16	Walking and cycling routes and facilities
	DEV22	Contaminated Land
	SCF2	School recreation space
	CON1	Listed buildings
	CON2	Conservation areas

Spatial Development Strategy for Greater London (London Plan) 2008

	3A.17	Addressing the needs of London's diverse population
	3A.18	Protection and enhancement of social infrastructure and community facilities
	3A.24	Education facilities
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.22	Improving conditions for cycling
	4B.1	Design principles for a compact city
	4B.5	Creating an inclusive environment
	4B.8	Respect local context and communities

Government Planning Policy Guidance/Statements

	PPS 1	Sustainable development and climate change
	PPS 5	Planning and the historic environment

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

Environmental Health (Noise & vibration / smell)

6.3 Noise / extract equipment

1. As a full service kitchen is proposed details of any plant and equipment to be used, including provision of a three stage filtration system should be submitted for consideration. This should demonstrate that any extract system would be mitigated to below 10dB below the lowest background noise levels. Reference also needs to be made to the means by which odour nuisance would be prevented from the operation of the kitchen and discharge of

vitiated air by the extract system.

(Officer response: This matter would be conditioned to ensure a suitable system is used and is sited in an appropriate location.)

2. The application does not stipulate alternative accommodation for the school children during construction work.

(Officer response: There is no temporary accommodation proposed for the construction period, pupils and staff will be moved around the building as construction work takes place when necessary.)

3. Ensure that construction is undertaken only during the following hours and that the noise generated from any construction work does cause a nuisance under the Environmental protection Act 1990:

Monday – Friday : 8am to 6pm

Saturday: 9am to 1pm

Sunday and Bank Holidays: No work permitted

(Officer response: The hours of working would be conditioned.)

Environmental Health (Contaminated Land)

6.4 Our records show that the site has been subjected to former industrial uses and it is recommended you condition this application to ensure the developer carries out a site investigation to identify and potential contamination and undertake remediation works if appropriate?

(Officer response: A condition in this regard has been recommended)

Education development team

6.5 This application has been made in conjunction with this Directorate as part of the Directorate capital investment programme. The proposal is part of our Primary Capital Programme to support improvement in primary education in Tower Hamlets. The Directorate supports the proposal. The school has significantly deficient accommodation which was identified as a priority for our programme. These proposals aim to address the deficiencies and will greatly benefit the pupils.

Highways

6.6 Cycle parking to be provided in accordance with Planning Standard 3: Parking whereby 1 space per 10 staff/pupils is required. This means 8 cycle space should be provided and the prospect of locating them to the front of the school should be considered.

(Officer response: Whilst there is space within the forecourt to the front of the school it is not considered appropriate to locate cycle parking, along with the associated enclosures to the front of the site because of the visual impact upon the listed building No cycle parking is therefore proposed.)

Please provide further information surrounding the wider community uses of the proposed community centre and on-site cycle parking

(Officer response: The application does not seek permission for the community centre so

there is unlikely to be any significant impact upon the wider community as a result of the school extension.)

Tree Officer

- 6.7 Providing the recommendations of the BS5837(2005) report are complied with, I have no objections to the works proceeding

(Officer response: None of the construction works are within close proximity of any of the trees, however a condition requiring that no materials are stored within the root protection areas of the trees is recommended with this application.)

Transport for London

- 6.8 TfL does not believe that the proposal would have an unacceptable impact on the Transport for London Road network.

Crossrail Safeguarding

- 6.9 Did not wish to make comments on this scheme

English Heritage

- 6.10 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

7. LOCAL REPRESENTATION

- 7.1 A total of 59 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 31 Objecting: 21 Supporting: 10
No petitions received

- 7.2 The following local groups/societies made representations:

- Conservation Area Design Advisory Group
- The Spitalfields Historic Buildings Trust
- The Friends of Christchurch Spitalfields
- The Spitalfields Society

- 7.3 The following issues in objection were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- The applications only deal with the alterations to the existing building facing Brick Lane and it is understood that there are also proposals to build a new building on the site of the Old Youth Club. This is integral to the current planning application but has not been included. This application should be withdrawn until the proposals for the whole scheme can be considered.

- The argument that the two planning applications are required to enable building works to be phased to cause minimum disruption is disingenuous as building works can be phased on one application without any time limit providing works start within 3 years of consent being granted.
- Christchurch is a Grade I listed building and any developments in close proximity to the church could affect its setting, especially and proposals to development the gardens
- The arboricultural report submitted with the application has the following description of development: 'The existing youth centre is to be demolished and a new building erected in its place within Christchurch Gardens. In light of this and of all the policy guidance dealing with matters of this kind we see no justification for reaching a planning assessment of the school building in isolation.

(Officer response: The planning department can only determine applications as they are submitted and cannot delay the decision on one application in anticipation of another proposal for a separate part of the site. The approval of the extension to the school does not prejudice or provide support for the redevelopment of the youth centre or Christchurch Gardens.

The application for the school has been submitted prior to the application for the youth centre due to a small window for funding which may be lost if planning permission is not gained. At the time of writing the report the scheme for the youth centre has not be finalised nor comments sought from the local community.

It is not considered that the extension to the school and the associated internal works would have any impact upon the Grade I listed church and the assessment of the proposal would focus on the impact upon the school itself and its immediate environs including the neighbouring properties)

7.4 The following matters were raised in support:

- The children would benefit from having a kitchen which can cook healthy meals
- It would be a joy to see the school hall restored to its original size.
- The funding for the project comes from a government grant which expires in March 2011. The government cut backs means it is unlikely that the school will get another chance to obtain a grant in future years.
- The school is an integral part of the local area and is valued by many parents of different ethnic and religious backgrounds. The current facilities are significantly below capacity for the numbers of children served and also far below the potential for the role this school could have in the lives of parents and others in the community
- The plans appear to have been well thought out and there is not likely to be significant disruption to the neighbours or surrounding area.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Principle of the Land Use
2. Design and Layout of the Development.
3. Impact on the listed building and conservation area
4. Impact on the amenity of adjoining occupiers and the surrounding area
5. Impact of the proposal on the development of the rest of the site.

Principle of the land use

- 8.2 The application seeks permission to construct a two storey extension to provide an additional classroom and a new kitchen and also undertake a number of internal arrangements within the school. As the proposal would not result in a change of the use of the land from a school and its associated functions, the proposed development is not considered to impact on the land use of the site.
- 8.3 Policies 3A.18 and 3A.24 of the London Plan 2008 (Consolidated with Alterations since 2004) (London Plan) seek to provide appropriate and improved community and educational facilities, including schools, within easy reach by walking and public transport for the population that use them. Policy SP07 of the adopted Core Strategy (2010) (CS) also seeks to deliver the policy requirements of the London Plan. These policies also seek to increase the provision, both to deal with increased population and to meet existing deficiencies in order to achieve the best schools and facilities to support education excellence.
- 8.4 It is considered that the proposal would provide improved educational accommodation for the existing school in accordance with the aforementioned policies and is therefore acceptable in principle.

Design and layout of the development

- 8.5 The current classrooms within the school are smaller than the standards set out in Building Bulletin 99, the briefing framework for development of primary schools. It is the intention of this application, through the construction of an extension and re-arrangement of the internal layout to create a primary school which can function at full capacity for a one form entry, as the school is unable to operate efficiently or to its intended capacity at present.

Loss of play area

- 8.6 Improving the quality of the teaching spaces and expanding existing educational facilities is encouraged within the London Plan, however additional internal floorspace for a school should not be at the expense of outdoor recreation space. This is outlined in policies EDU7 of the Unitary Development Plan 1998 (as saved September 2007) (UDP) and SCF2 of the Interim Planning Guidance for the purposes of Development Control (2007) (IPG) which states that applications will not normally be granted for proposals which lead to a loss of play space or sports facilities.
- 8.7 In this case the courtyard area which is proposed to be infilled with the extension is not usable play space, it is overshadowed and enclosed by school building on all but the northern side where instead there is a high brick boundary wall. Due to this and the relatively small area the courtyard provides, it is not a usable space for the school. Currently the courtyard houses temporary structures for storage. As such it is considered the general improvement to the standard of educational facilities associated with the proposed extension outweighs the small loss of the school's external space.

Design and Layout

- 8.8 Policy DEV1 within the UDP requires all new developments to take into account and be sensitive to the character of the surrounding area in terms of design, bulk scale and the use of materials.
- 8.9 The design of the infill extension has taken its cue from the existing 1940's extension by retaining the same steel lintel and the window arrangements. The openings at ground floor level have been increased to allow more light into the classroom, however this would be

difficult to see from any angle given the close proximity of the boundary wall (between 2m and 2.5m away).

- 8.10 The removal of the second, lower flat roof extension to the northern side of the 1940's extension is considered an improvement to the design of the building and allows the central window serving the main hall to be fully realised again, currently the view out of the hall is partially obscured by the extension.
- 8.11 It is considered that the use of reclaimed London stock brick for the external material is acceptable, though a condition would be added to any Listed Building Consent requesting samples of this to ensure that it preserve the appearance of the listed building.
- 8.12 The application also involves some changes to the internal arrangement of the building, this is discussed further in paragraph 8.15 – 8.19. However it is useful to note the improvements that are proposed to the school, such as restoring the first floor hall to its original size (currently it is partitioned off to provide a re-heat kitchen and a staff room), providing a fully functional kitchen and of classrooms which meet current standards in terms of the floor space available would ensure the school is able to provide improved teaching and learning facilities.

Inclusive Access

- 8.13 Policy DEV1 of the UDP also identifies the need to provide adequate access for disabled people, with policy DEV3 of the IPG going further and stating that new buildings are required to incorporate inclusive design principles, ensuring it can be safely, comfortably and easily accessed by as many people as possible without undue effort, separation or special treatment. This application seeks to improve access throughout the building by installation of a lift, currently there is no lift within the building restricting access for disabled pupils and staff to the first floor.
- 8.14 Overall, it is considered that the design and layout of the proposal is acceptable and conforms to design policies DEV1 of the UDP, DEV2, DEV3, CON1 and CON2 of the IPG and although the proposal would result in the loss of external school space this is not used as an area for recreation so is in accordance with policies EDU7 of the UDP and SCF2 of the IPG.

Impact on the listed building and conservation area

- 8.15 Policy DEV37 of the UDP sets out a number of requirements which should be followed when altering a listed building. It is expected that proposals would preserve the special architectural or historic interest of the building by retaining the original plan form, retaining or repairing original external and internal features and if possible replacing any missing items, to use traditional materials in construction and to allow for the recording of any architectural and archaeological details. These requirements are echoed in policy CON1 of the IPG.
- 8.16 In the case of Christchurch Primary School it is considered that the overall special interest of the school lies in its frontage and relationship to Brick Lane, together with the remaining Victorian interior fabric and some of the rear elevation. However the rear elevation is much altered and added to, with a number of elements of no special interest, that detract from the overall special interest of the building.
- 8.17 Aside from the extension works there are a number of walls to be removed and openings created within the school building which all need to be considered in the context of policy as the whole building not just the frontage is listed. The removal of walls within the school building predominantly relate to stud partition walls which were not original and do not

required extensive works to remove, therefore retaining the original fabric of the building. In particular the removal of a number of stud walls within the first floor would allow the hall to be restored to its original size, which is considered to enhance the character and appearance of the listed building. The other internal changes are most to the rear parts of the building which do not form part of the original school and therefore the impact upon the historic character is minimal.

- 8.18 Overall the works of alteration and extension are not considered to be harmful to the special interest of the building. The rear of the school is already an amalgam of existing and later extensions, the proposals rationalise this to an extent, and propose judicious infill in a style in conformity with the rest of the architecture. There is some minor loss of historic fabric, but in the context of the scheme overall, and taking account of its secondary importance, it is considered that the proposal would be in accordance with policies DEV37 of the UDP and CON1 and CON2 of the IPG.

Impact on the amenity of adjoining occupiers and the surrounding area

- 8.19 Policy DEV2 of the UDP and DEV1 of the IPG seek to ensure that all new developments protect the amenity of residential occupiers within the surrounding area. There should be no significant loss of daylight or sunlight, no significant loss of outlook or loss of privacy, nor should any development create unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution throughout the lifetime of the development.
- 8.20 The proposed extension is a significant distance (approximately 25m) to the nearest neighbouring properties which are on Fournier Street. In addition, between the residential properties there is a high brick boundary wall and the yard of the Seven Stars Public House. It is therefore not considered that there would be any significant impact upon the neighbouring residential occupiers as a result of this extension or any other internal alteration.
- 8.21 There is a proposed increase in the capacity of the school, from 163 to 236, an increase of 73. The school serves a local catchment area and as a result the majority of pupils walk to school and the area surrounding the school is a busy central location. It is not considered that the increase in pupil numbers would have any significant impact upon the local area in terms of noise and disturbance or additional traffic to the site.
- 8.22 Environmental health have requested details of any mechanical ventilation and extract equipment required for the new kitchen demonstrating that there would be no odour or noise pollution resulting from the proposal. These details have been supplied however it is considered that the final location of the flue should be conditioned to ensure it is appropriately located on the building.
- 8.23 Overall, subject to conditions it is not considered that there would be any significant impact from the proposed works on the amenity of local residents or the surrounding area.

Impact of the proposal on the development of the rest of the site

- 8.24 A number of objections have been raised to this application on the basis that approving this development would lead to the inevitable redevelopment of the rest of the site to provide a community building which would also house the nursery and reception classrooms. There is no application before the planning department relating to the community building, nor for the redevelopment of Christ Church gardens adjacent to the Grade I listed Christ Church.
- 8.25 The local planning authority is under an obligation to determine all applications that are submitted and cannot delay the determination of a proposal on the basis that there may be a

second application submitted in the near future for another part of the site. Any proposals to redevelop the western part of the site would need to be assessed on its own merits, taking into account the setting of the Grade I listed building and comments from English Heritage.

Other Planning Issues

8.26 There are considered to be no additional planning considerations associated with this proposal.

Conclusions

9.0 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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